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News on planning and the environment

August 2020: Planning for the Future

*The publication of the National Planning Policy Framework in 2021 was the biggest overhaul of planning for decades. But the NPPF merely rewrote the planning rule book. Planning for the Future shreds the rule book and introduces a radical approach to planning.*

*There are welcome points in the white paper. A digital planning system. Simpler, quicker local plans. Strict design codes. But the government's intention of diminishing the voices of council and communities in decision making is unwelcome. Ministers want a tick box planning system where rules are binding on decision makers. They also want huge increases in housebuilding – a near doubling current targets in the South East.*

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## Planning for the Future

### Summary

**Consultation.** The government published its long heralded plans for 'planning reform' for consultation on 4 August   PLAN. The consultation closes on 29 October 2020. Robert Jenrick said:

*"We will cut red tape, but not standards, placing a higher regard on quality, design and the environment than ever before. 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."*

**Zones.** All land in England will be allocated into one of three categories: Growth, Renewal and Protection. The zones will be designated in the local plan.

**Growth areas** will include new towns, brownfield sites, urban extensions and clusters near hubs such as universities. Sites in the zone will be deemed to have outline planning permission. Councils will have no powers to veto individual projects if they meet a basic set of standards.

**Renewal areas** will be existing built-up areas where smaller scale development is appropriate, including "gentle densification" infill of residential areas and development in town centres. Development in rural areas not included in Growth or Protected areas, such as small sites within or on the edge of villages could be included. A statutory presumption in favour of giving permission for suitable developments will apply. Ministers say they want views on combining Growth and Renewal areas into a single category.

**Protected areas** will include the Green Belt, AONBs, conservation areas, local wildlife sites, areas of significant flood risk, important areas of green space, and possibly gardens.

**Local plans.** All councils must ensure they have a local plan in place within 30 months. The number of homes they need to target will set by Whitehall. The least affordable areas, including London and the South East, must build more homes to stop house prices spiralling. Draft plans will be assessed for their contribution to sustainable development instead of the current tests of soundness.

**Levy.** S106 contributions and CIL will be replaced by a single infrastructure levy based on the profit made by the developer. Developments of fewer than 40 or 50 homes may be given a 'temporary' exemption from the levy, freeing them from the need to deliver affordable housing.

**Design.** The future is beautiful. Planning applications will be assessed against strict national and local design codes. 'Beautiful' applications could even be fast tracked through the planning system.

**Digital planning.** The future is digital. Ministers want fewer words in documents and a greater emphasis on using online plans

## A Complex Relic

**Planning relic.** In his forward Boris Johnson said the country's potential is being artificially constrained by an outdated and ineffective planning system. Complaining "thanks to our planning system, we have nowhere near enough homes in the right places", Johnson promised:

*"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."*

Communities secretary Robert Jenrick added:

*"We are cutting red tape, but not standards... 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."*

**Complexity.** Describing the planning system as "an inefficient, opaque process" with "poor outcomes", *Planning for the Future* claims: "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." The current planning system is based on the Town and Country Planning Act 1947, which established planning "as nationalised and discretionary in character". Decades of reform have built complexity, uncertainty and delay into the system. Ministers take particular aim at discretionary elements in planning:

*"Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are taken on a case-by-case basis, rather than determined by clear rules for what can and cannot be done."*

**Complaints.** Ministers complain complexity leads to:

- ◆ Local decisions being overturned at appeal: 36 per cent of decisions on major applications and 30 per cent of decisions on minor applications
- ◆ Local plans taking too long to prepare with policies out of date as soon as they are adopted.
- ◆ Complex and opaque assessments of housing need, viability and environmental impacts
- ◆ Public distrust of councils, though they distrust developers more 
- ◆ Consultation being dominated by a few who are willing and able to navigate the process.
- ◆ Planning systems that are reliant on 20th-century technology – legacy software that remains reliant on documents, not data, and burdens the sector with repetitive tasks.
- ◆ Complex, protracted and unclear processes for negotiating developer contributions to affordable housing and infrastructure.
- ◆ Insufficient incentives to bring forward proposals that are beautiful and that enhance the environment, health, and character of local areas.
- ◆ Quality being negotiated away and the lived experience of the consumer ignored too readily.
- ◆ A shortfall in housebuilding – local plans provide for 187,000 homes per year – well below the ambition for 300,000 new homes annually and lower than the number of homes delivered last year (over 241,000).

## A New Vision

**Ambition.** Ministers say we must be more ambitious for the places we create, expecting new development to be beautiful. We must create 'net gain' not just 'no net harm'.

**Engagement.** Neighbourhoods and communities must have an earlier and more meaningful voice in the future of their area as plans are made. More engagement should take place at the local plan phase, especially through digital technology. The user experience of the planning system should be improved to make planning information easier to find and to understand, 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."*

**Places.** Ministers want to 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."*

They promise to create a virtuous circle of prosperity in villages, towns and cities, supporting ongoing renewal and regeneration "without losing their human scale, inheritance and sense of place." More homes will be built at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure. "Good growth will make it easier to level up the economic and social opportunities available to communities."

**Housing.** They will 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." An aim is to foster a more competitive housing market.

**Businesses** will be helped to expand with readier access to commercial space where they want it, supporting a more physically flexible labour market.

**Housebuilders.** Ministers promise to support innovative developers and housebuilders; including 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);

**Greenfield.** The white paper pledges to:

*"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."*

## Proposal 1: Local Plans and Consultation

*"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."*

**Zoning.** Local plans will be simplified to classify 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 local plan. Local planning authorities to identify sub-areas in their Growth areas for self- and custom-build homes.
- ◆ *Renewal areas* suitable for some development, such as 'gentle densification'.
- ◆ *Protected areas* where – "as the name suggests" – development is restricted.

Ministers claim this could halve the time it takes to secure planning permission on larger sites.

**Local plans** should "set clear rules rather than general policies for development". Development management policies will be set nationally. Local plans will be restricted to identifying site and area specific requirements and local design codes, along with a core set of standards and requirements for development. The plans should follow a standard template and be visual and map-based. The white paper claims this would scale back detail and duplication in local plans, which would be reduced in length by at least two-thirds. Plans will be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness. Requirements for assessments will be "updated", including those on viability and environment. The Duty to Cooperate will be abolished. A statutory obligation would require councils and the planning inspectorate to complete plans in 30 months, or face sanctions.

**Engagement.** The reforms will "democratise the planning process" by putting emphasis on engagement at the plan-making stage. That will be at the price of public engagement in planning applications: "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."

## Proposal 2: A Digital System

*"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."*

**Let's get digital.** Local planning authorities will use digital tools for a new civic engagement process for local plans and decision-making. This will make it easier for people to understand proposals and the likely impact on them using visualisations and other digital approaches. It will be easier for people to make their views known through social networks and using their phones. Standardised local digital maps will show what can be built where.

## Proposal 3: Design and Sustainability

*"To bring a new focus on design and sustainability."*

**Environment.** Ensure the NPPF targets areas where a reformed planning system can most effectively address climate change mitigation and adaptation, and can facilitate environmental improvements. Facilitate "ambitious improvements" in the energy efficiency standards for buildings to help deliver the commitment to net-zero by 2050. A quicker, simpler framework for assessing environmental impacts and enhancement opportunities will speed up the process while protecting and enhancing England's unique ecosystems. "Protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century."

**Beauty.** Expect 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 NPPF. Changes to national policy and legislation will introduce a fast-track for beauty, automatically permitting proposals for high-quality developments where they reflect local character and preferences.

**Design.** Guidance and codes – which will set the rules for the design of new development – will be prepared locally and are "to be based on genuine community involvement rather than meaningless consultation". The codes will have "real bite" by making them "more binding" on planning decisions. A new body will 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](#). Every local planning authority will have a chief officer for design and place-making.

## Proposal 4: Infrastructure

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

**Levy.** S106 agreements and the community infrastructure levy will be replaced by a single Infrastructure Levy. This will be a flat rate charge based on the value of the development. A single rate or varied rates could be set. Ministers expect the new Levy to raise more revenue than the current system and deliver at least as much, if not more, on-site affordable housing than at present. "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." Local authorities will have greater powers to determine how developer contributions are used, including for affordable housing:

*"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."*

The levy could be extended to development through permitted development rights.

## Proposal 5: Housing

*"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."*

**Housing targets.** Local authorities will be told to deliver nationally determined housing targets through their local plans. Housebuilding will be focused on areas where affordability pressure is highest:

*"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."*

**Development.** Masterplans and design codes for substantial developments should include a variety of development types from different builders to allow more phases to come forward together. New public buildings – such as government offices and further education colleges – will be located to support renewal of town centres.

## Proposal 6: Digital Planning

*"Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology."*

**Deadlines.** The current time limits of eight weeks for minor applications and 13 weeks for major applications should become firm deadlines. Planning fees might be refunded if the application is not determined within the time limit or if a developer wins an appeal.

**Digital future.** Ministers see digitisation as the answer to often slow processing speeds and providing planning data at a national level. Money will be allocated in the next Spending Review to finance the transition. Changes will include automatic validation of applications as they are submitted. Applications will be shorter and more standardised. Less information will be required from developers. It will be machine readable and planning statements will be no longer than 50 pages. Technical information on highways, flooding and heritage will be standardised, including through design codes.

**Public engagement.** Planning notices will be online. Detailed planning decisions will be delegated 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." Ministers say:

*"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."*

*"We particularly want to ensure that the facilities and infrastructure that communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system."*

Planning appeals will be retained and the secretary of state will still have call-in powers, but less use is expected to be made of these.

## Proposal 7: Digital Local Plans

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

**Digital standards.** Local Plans "will be built upon data standards and digital principles." Ministers will publish national guide to the new Local Plan system and data standards and digital principles. This will also establish a model template and set out the more limited evidence required to support plans:

*"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."*

New digital civic engagement processes will make it "easier for people to understand what is being proposed where and how it will affect them."

## Proposal 8: Local Plan Timetables

*"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."*

**Stages.** Ministers want the local plan process to be simplified into a five stage process:

1. *6 months.* Call for suggestions on key areas including "best in class" ways of public involvement on where development should go and what it should look like.
2. *12 months.* Local plan is drawn up, with mandatory visits from the planning inspectorate for "higher risk" authorities.
3. *6 weeks.* Submission to the secretary of state and public consultation with responses subject to a word limit.
4. *9 months.* Inspector examines the plan, including whether the proposed growth, renewal and protection areas meet statutory tests, making binding changes if they do not. Councils, and those that have submitted comments, will have a right to be heard with the inspector deciding whether this is face to face, by video, phone or in writing. Alternatively, there could be no right to be heard and participants will be invited at the inspector's discretion or restricted to written representations.
5. *6 weeks.* Local plan finalised and comes into force.

Ministers also suggest abolishing the examination stage and allowing planning authorities to assess their plan against set criteria and guidance.

**Timetable.** New local plans will be adopted within 30 months of the legislation being brought into force; 42 months for councils that have adopted a Local Plan within the previous three years or where it has been submitted to the Secretary of State for examination.

**Review.** Plans will be reviewed every five years, sooner if there is a significant change in circumstances.

**Sanctions.** Councils that do not get a plan in place within the deadlines "could be at risk of government intervention".

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## Proposals 9 & 10: Plans

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**Proposal 9.** Neighbourhood Plans will be retained as an important means of community input with better use of digital tools.

**Proposal 10.** “A stronger emphasis on build out through planning” including masterplans and design codes for large sites to support different builders and allowing more phases to come forward together.

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## Proposals 11-14: Design and Beauty

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**Proposal 11.** Ministers will publish a National Design Guide, National Model Design Code and a revised Manual for Streets to guide design. Local guides and codes will reflect the diverse character of localities, “as well as what is provably popular locally.” Where local codes are not in place, national rules will apply.

**Proposal 12.** The government will set up a body to support the delivery of provably locally-popular design codes. Each authority should have a chief officer for design and place-making.

**Proposal 13.** Ministers will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.

**Proposal 14.** A fast-track for beauty will be introduced through changes to national policy and legislation. Ministers also propose 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.”

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## Proposals 15-18: Climate & Environment

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**Proposal 15.** The National Planning Policy Framework will be amended 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.** Ministers intend to introduce 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. Current frameworks, which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment, lead to duplication of effort and overly-long reports, inhibiting transparency and adding to delays.

**Proposal 17.** The planning framework for listed buildings and conservation areas will be updated to allow appropriate, sympathetic changes to support continued use and to address climate change.

**Proposal 18.** Ministers promise ambitious improvements in the energy efficiency standards for buildings “to help deliver our world-leading commitment to net-zero by 2050”. Homes built under the new planning system will not need retrofitting in the future to become zero carbon.

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## Proposals 19-22: Infrastructure Levy

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**Proposal 19.** The current system of S106 planning obligations will be abolished. The Community Infrastructure Levy would be reformed and charged as a fixed proportion of the development value above a threshold, with either at a mandatory nationally-set rate, nationally set local rate or a locally determined rate. The levy will be payable on completion of developments but local authorities will be able to borrow against future levy income to fund infrastructure.

**Proposal 20.** The Infrastructure Levy will also apply to permitted development.

**Proposal 21.** The reformed Infrastructure Levy should deliver affordable housing provision. The government promises to codify what look to become complex arrangements. Developers who sell the affordable homes they have built to an affordable housing provider would have their levy reduced by the discount to market rate when the houses are sold. First Homes, a scheme under which the developer offers a 30% discount to first time buyers, will also trigger a cut in the levy paid. If the market price of housing falls, local authorities will be able to change affordable units into market units. An alternative proposal put forward by ministers is that local authorities, or an affordable housing provider, have first right of refusal for a fixed proportion of housing units at the cost of building.

**Proposal 22.** More freedom could be given to local authorities over how they spend the Infrastructure Levy. Ministers are proposing to retain the 25% Neighbourhood Share given to town and parish councils for infrastructure projects because they believe the money incentivises communities to allow development in the area. Ministers want to give councils greater flexibility on how to use the remainder of the levy:

*“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.”*

A “small proportion” of the levy will pay for planning costs, including local plans, design codes and enforcement.

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## Proposals 23-24: Delivering Change

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**Proposal 23.** To develop a comprehensive resources and skills strategy for the planning sector to support the implementation of reforms. The cost of operating the new planning system should be principally funded by landowners and developers rather than the national or local taxpayer. The planning inspectorate should become more self-financed and have tighter performance targets.

**Proposal 24.** Stronger enforcement targets and penalties. Ministers are proposing more powers to address intentional unauthorised development. They will consider higher fines, and look to ways of supporting more enforcement activity.

## Zoning in Detail

**Growth** areas will be suitable for substantial development – the term ‘substantial development’ will be defined nationally. Land suitable for comprehensive development will include new settlements and urban extensions, 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 as within Growth Areas will be deemed to have outline approval for development. Areas of flood risk and other important constraints would be excluded unless risks can be fully mitigated.

**Renewal** areas will be “suitable for development” – existing built areas where smaller scale development is appropriate. This could include the gentle densification and infill of residential areas, development in town centres, and development on land in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages. There will be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Councils could refuse inappropriate development of residential gardens. Ministers are interested in the idea of merging Growth and Renewal areas into a single zoning category.

**Protected** areas would include sites and areas with environmental and/or cultural characteristics which justify more stringent development controls to ensure sustainability. They would include areas such as Green Belt, AONBs, Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. Protected areas can continue to include gardens in line with the current NPPF. It would include areas of open countryside outside of land in Growth or Renewal areas. Some areas would be defined nationally, others locally based on national policy.

## Reaction to Planning for the Future

**CPRE.** Deputy chief executive Tom Fyans said bringing planning online could risk excluding some voices :

*“As things stand, the government seems to have conflated the ‘digitalisation’ of planning with democratic planning – they’re not the same thing. The key acid test for the planning reforms is community involvement and on first reading, it’s still not clear how this will work under a zoning system. We need robust legal guarantees that the public are consulted regarding new development.”*

In the Times, chief executive Crispin Truman said :

*“Our litmus tests for these reforms will be: do they provide better quality housing that is genuinely affordable and zero carbon? Will we be able to build healthier places with public transport, ready access to plentiful green space and vibrant and connected communities? Will they protect and enhance our precious countryside for future generations? Will there be robust legal guarantees for public involvement in both policies and development projects?”*

**CPRE...** Helen Marshall, Director of CPRE Oxfordshire said :

*“It’s unclear how the proposed radical changes to the planning system, including the introduction of ‘zoning’ to identify areas for ‘growth’, ‘renewal’ or ‘protection’, will ensure quality development with community participation at its heart.”*

CPRE Sussex Chair, Professor Dan Osborn said the White Paper is the “worst he has ever seen”. He continued:

*“I cannot see how it can be translated into legislation. The problem in the UK is the delivery and cost of housing. That has nothing to do with planning whatsoever.”*

Roger Smith added: “The consequences for the natural environment could be catastrophic”  . John Wotton, chairman of CPRE Kent said :

*“We find hard to see how the planning reform proposals, unveiled by the government this morning, will benefit the Kent countryside.”*

*“The policy driving the proposals, of building more homes, more quickly, appears to override the safeguards in the present system ensuring that local communities’ needs are taken into account and that harm to the environment and landscape from building new homes is prevented.”*

*“If local authorities are to lose their ability to approve the details of new developments, by what means can the views of local communities continue to have real force?”*

CPRE Devon said :

*“Planning control would effectively pass from our local planning authorities (district councils) to property developers – the very people who stand to gain huge profits from construction. In reality, local people won’t have much say. This ‘Klondike gold rush’ seems like a hysterical overreaction to meet the government’s arbitrary national target of 300,000 new houses per year.”*

**Wildlife Trusts.** Nikki Williams, director of campaigning and policy at The Wildlife Trusts, said tree-lined streets are not enough :

*“Parks, green spaces and all the areas around our homes must be part of a wild network of nature-rich areas that will benefit bees and birds as much as it will enable people to connect with on-your-doorstep nature every single day.”*

*“This simplification brings the risk of creating a disconnected landscape, one in which wildlife continues to decline because nature doesn’t slot into neat little boxes. Protecting isolated fragments of land is not enough to help wildlife recover, nor will it put nature into people’s lives”*

**The Woodland Trust** said :

*“The vision of tree lined streets is welcome, but the proposed radical reform of the planning system causes us deep concern. Eliminating local oversight on individual planning proposals is likely to lead to substandard development that doesn’t help us to address the climate or ecological crisis. Woods and trees must be at the heart of the planning system.”*

**Friends of the Earth.** Kate Gordon, senior planner at FoE said :

*"These planning reforms are bad news for our communities, climate, and local democracy. Ditching key safeguards, such as environmental impact assessments, and curtailing local democratic scrutiny, will only fuel fears that this is little more than a developers' charter. This threatens a wave of poor development in the wrong location and will undermine confidence in the planning system."*

**UKGBC.** John Alker at the UK Green Building Council, said it was deeply concerned by the 2050 target for carbon neutral homes :

*"We welcome the aspiration that new homes will not need costly retrofitting, but if this is to be achieved we need to see a significant strengthening of energy efficiency standards in 2020 and 2025. We welcome the commitment to protecting nature in certain areas, as part of supporting nature's recovery."*

*"However, we need reassurances that nature – and access to it – will be also protected and enhanced and in both the growth and renewal zones, not just in protected areas."*

**RCA.** Rights: Community: Action said :

*"The big question is whether we trust the Government and developers to do the right thing without having to listen to us at all. Our voices will only be heard through protest. We'll be criminalised for wanting a say over our places, that we live in. Number 10 thinks this will all be beautiful. We think this is going to be ugly."*

**TCPA.** Chief executive Fiona Howie said :

*"We are deeply concerned that the proposals will undermine local democracy, marginalise local councils and fail to achieve the kind of high-quality places that the government is committed to delivering. We are obviously disappointed that our long-standing calls for a more people-centred system focused on health and well-being have not been taken up."*

**RIBA** President, Alan Jones, said:

*"While there's no doubt the planning system needs reform, these shameful proposals do almost nothing to guarantee the delivery of affordable, well-designed and sustainable homes. While they might help to 'get Britain building' – paired with the extension of permitted development – there's every chance they could also lead to the creation of the next generation of slum housing."*

Victoria Hills, chief executive of the Royal Town Planning Institute, said a single new levy could result in less money for affordable housing, sustainable transport and other critical infrastructure. She cautioned that introducing reforms at a time when the country is grappling with the effects of a global pandemic could lead to greater uncertainty, delay development and put the recovery at risk .

**LGA.** The Local Government Association's chairman James Jamieson said nine in ten applications are approved by councils with more than a million homes given planning permission over the last decade yet to be built and the system should focus on that. He warned: "Any loss of local control over developments would be a concern" .

**NHF.** Kate Henderson, chief executive of the National Housing Federation, said: "Any alternative to Section 106 must ensure we can deliver more high quality affordable homes to meet the huge demand across the country."

**Business.** Builders and business groups welcomed the proposals . Matthew Fell, CBI chief UK policy director, said the reforms "will allow housebuilders to get to work".

**RICS.** The Royal Institution of Chartered Surveyors welcomed the changes as a "big step in the right direction". It claimed they would lead to "a quicker, more streamlined system that doesn't lower either standards, building quality, internal environment or planning of placement for new homes."

**Lawyers.** Planning solicitors at Irwin Mitchell said the government plans were the biggest shift away from localism in a generation: "To date every attempt to simplify the planning system has only served to make it more complicated. It will be interesting to see if this... finally breaks that trend" . Oliver Goodwin from Keystone Law warned: "Experience of zoning plans for other countries is that they are at least as long and as complex as our current local plans, as they have to set out all the standards with which proposals must comply. It is unrealistic to expect... the new process to be quicker than the current framework."

**Other reaction.** Labour's shadow housing and planning minister Mike Amesbury said:

*"This is a developer's charter that will see communities sidelined in decisions and denied vital funding for building schools, clinics and community infrastructure."*

He added that the changes would "blight communities with a new wave of slum housing" . The Guildford Dragon has a roundup of local reaction to the white paper .

## Changes to the Current Planning System

### Short Term Fixes

**Consultation.** *Planning for the Future* was published in a blaze of publicity. Rather less attention has been paid to a technical consultation slipped out without fanfare on changing the standard method for calculating housing targets for councils and increasing the amount of affordable housing for sale . The proposals in the white paper are unlikely to come into force for three or four years as they require primary legislation. Hence, ministers want a quick fix to drive up housing numbers and bring forward home ownership policies ahead of the next election. They are proposing to extend permission in principle for housing schemes, introduce a new standard method for assessing housing need, and bring First Homes into the affordable housing mix.

**Sources.** The proposed new standard method is based on discussion papers published in May by planning consultancies Lichfields and Savills  . In my explanation of the impact of the new standard method below, I rely on the analysis by Lichfields.

## Permission in Principle (PiP)

**PiP** was introduced in June 2018. Take up of the scheme does not seem to have been high. PiP does not confer planning permission. Developers need to gain technical consent before permission is granted but PiP does lower the risk for developers that need to raise finance to proceed. The information developers must provide to councils for a PiP application is limited and councils are not allowed to demand additional data.

**Extension.** Ministers are proposing to extend PiP to all housing-led major developments, except for developments that require environmental impact assessments and developments or appropriate assessment because of potential impact on European designated sites. There will no cap on the amount of commercial floorspace within a PiP scheme. Ministers are not proposing to change the five week deadline for determining a PiP application or the 14-day consultation period. They ask whether developers should specify the maximum height of their proposal and whether PiP planning fees should be cut.

## First Homes

**Starter homes.** After the failure of the government's starter homes scheme – none were built – the government proposed a new scheme of First Homes. First Homes will be aimed primarily at first time buyers who are young and local, including local key workers living elsewhere, and serving members of the Armed Forces and recent veterans. The homes will be sold at a discount, provisionally 30% but no more than 50%.

**Policy.** Ministers are proposing to change the NPPF to require at least a quarter of all affordable housing units secured through developer contributions (S106) to be First Homes. This could reduce the numbers of shared ownership, affordable rent and social rent properties built. First Homes will not be subject to CIL.

**Exception sites.** Affordable homes on entry-level exception sites should be First Homes, though a small proportion of affordable homes will be allowed where there is significant local need. For the first time, a small proportion of market homes will be allowed where essential to ensure the development will be viable and deliverable. Currently entry-level exception sites are limited to 0.5ha. The government wants to remove this restriction though sites should still be proportionate in size to the existing settlement (presumably 5%).

## Affordable Housing

**Threshold.** Currently, housing development of ten or fewer homes do not have to pay an affordable housing contribution. Ministers are proposing increasing the threshold from 10 units to 40 or 50 units and from 0.5 hectares to a yet undecided site size. A threshold of up to 50 units, would lead to an annual reduction of affordable housing of between 10% and 20%. The threshold for rural areas will not change and a lower threshold of five units or fewer may be required by local plans in these areas. This policy is likely to be introduced through a written ministerial statement.

## New Housing Targets

**A new standard method.** Local plans need to identify development land for at least 10 years ahead but, ministers complain, debates about housing numbers tend to dominate this process. This has not led to enough land being released for housing. A standard method for setting housing requirements would solve this and would be binding.

**Sharing housing need.** Although the duty to cooperate will be abolished, councils will be able to agree to distribute their housing requirements between them under joint planning arrangements. It might be appropriate for Mayors of combined authorities to distribute housing numbers between councils.

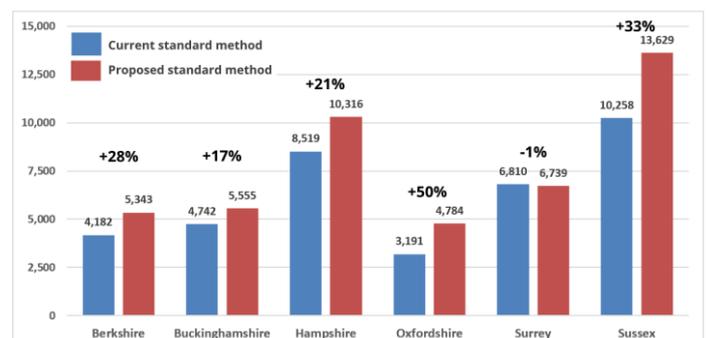
**Land supply.** The requirement for a five-year land supply will be removed but the housing delivery test and the presumption in favour of sustainable development will remain.

**The new method** would distribute the national housebuilding target of 300,000 new homes annually:

- ◆ Larger settlements can absorb more housing so will have more houses allocated.
- ◆ The least affordable areas will get higher targets.
- ◆ Targets would be reduced by land constraints such as designated areas of environmental and heritage value, the Green Belt national parks and areas of flood risk. The government is seeking proposals on how this might be done and makes no suggestions itself.
- ◆ Brownfield must be used, including for greater densification, before these land constraints will be considered.

The new method will also take into account the need for land for other development and impose an "appropriate buffer to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market."

**Housing targets to soar.** These changes will increase local plan targets across the country from a total of 270,000 dwellings to 337,000 – a 25% increase . This is well above the government's target of 300,000 homes a year and appears to allow for non-delivery in areas where housing growth is heavily constrained by protected landscapes. Should the new method be adopted, South East councils will face a 23 per cent hike in their housing targets from 50,000 to 61,000 dwellings a year. The government's demands will also be 85% above the current housing targets in local plans and 57% above current delivery rates.



## Reaction to Planning Changes

**CPRE Hampshire** welcomed some aspects of *Planning for the Future* but, in a letter to county MPs, condemned the increase in housing targets . It said the new standard method would shift housebuilding from the cities to the rural districts and make housing less affordable. It would also deprive the most disadvantaged regions of investment. Chair Dee Haas commented:

*"There are many aspects of the Planning for the Future White Paper that we would support. The ambition to bridge the generational divide; the emphasis on strict design codes; the commitment to streamlining the Local Plan process and the determination to involve many more local people and their communities into the planning process are all welcomed.*

*"However, we also have substantial concerns about the proposals and many of them stem from the possibly unintended consequences of the algorithms used in the various calculations. These algorithms produce a number of distortions which fundamentally undermine the stated intentions of the Government's proposals."*

**Horsham** council said it will be taking legal advice but it does not believe that the housebuilding industry can deliver the 1,715 homes per year under the new method .

**Politics.** Neil O'Brien, Tory MP for Harborough, was one of many MPs expressing concern. He warned Boris Johnson that the algorithm would put housebuilding pressure in rural shires at the expense of cities .

*"Lots of our large cities have brownfield land and capacity to take more housing and it seems strange when planning to 'level up' to be levelling down their housing targets to rates even lower than they have been delivering. It would be quite difficult to explain to Conservative voters why they should take more housing in their areas to allow large Labour-run cities nearby to continue to stagnate rather than regenerate."*

**Housing minister** Christopher Pincher initially defended the new standard method . Faced with a growing backlash from the backbenches , Pincher tried to clarify the proposals .

*"The standard method is only the first step in the current local plan process. The numbers generated for an area's housing need will not necessarily be the same as their ultimate targets.*

*"That's because councils will take into account various constraints in their areas, including protecting their green belt and environmentally significant sites. Nor does it dictate where those homes should go. Both are important aspects of the system which rest with local councillors to determine."*

He insisted that *Planning for the Future* provides "an opportunity for us to embrace a planning system which puts councillors and communities in the driving seat of designing their neighbourhoods."

## Other Planning Changes

### Use Classes and Permitted Rights

**Use classes.** Planning permission is generally required when the use of a building changes from one use class to another. The government has created new use classes. This change will affect high streets and will reduce the ability of councils to protect and restrict retail uses. From 1 September, Class E encompasses shops, financial and professional services, cafes and restaurants, most offices, light industry, health facilities and creches. Class F1 covers uses for education, display of art, museums, libraries, public halls, places of worship and courts. Class F2 includes swimming pools, skating rinks, outdoor sports, community halls or meeting places, together with small local shops selling essential goods. Cinemas, concert, dance and bingo halls, live music venues, hot food takeaways, public houses, wine bars and drinking establishments will be sui generis and will always require planning permission for a change of use .

**Permitted development rights.** The government introduced a new PDR which allows the construction of up to two storeys "to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats." councils are concerned about the potentially harmful impact on design quality . The LGA's housing spokesman, Cllr David Renard, said .

*"Neighbours have the right to a say on development and should not be exposed to the potential of unsightly large-scale unsuitable extensions being built unchallenged and without scrutiny in their communities."*

Further permitted development rights will allow demolition and rebuilding of unused buildings as homes without planning permission. Pubs, libraries, village shops and community buildings will be exempt.

**In the courts.** Rights: Community: Action (RCA) issued a pre-action letter to Robert Jenrick challenging the new permitted development rights. The letter claimed that MPs did not have an opportunity to discuss the statutory instrument introducing the PDR because it was issued on the day before the summer recess and will come into force before parliament reconvenes .

**PDR review.** RCA also claimed ministers did not consider a review had it commissioned from Dr Ben Clifford of University College London. That review concluded that space standards and residents' amenity under PDR are of a worse quality than those requiring planning permission. Just 22.1% of homes built through PDR meet national space standards, compared with 73.4% that had full planning permission  .

## CPRE SE Bulletin

**CPRE South East Bulletin** is independently written by Andy Boddington: [cprenews@andyboddington.co.uk](mailto:cprenews@andyboddington.co.uk). Views expressed in the Bulletin and its editorial approach are those of its editor and not any part of CPRE. Licenced for use under [Creative Commons](https://creativecommons.org/licenses/by/4.0/). [Subscribe](#) to regular copies of this eBulletin.