

13 October 2020

Committee	Executive
Date	Wednesday, 21 October 2020
Time of Meeting	4:00 pm
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the Agenda publication page immediately prior to the commencement of the meeting.</p>	

Agenda

1. ANNOUNCEMENTS

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 6

To approve the Minutes of the meeting held on 26 August 2020.



Item	Page(s)
5. ITEMS FROM MEMBERS OF THE PUBLIC	
To receive any questions, deputations or petitions submitted under Rule of Procedure 12.	
<i>(The deadline for public participation submissions for this meeting is 15 October 2020)</i>	
6. WHITE PAPER: PLANNING FOR THE FUTURE	7 - 106
To agree a response to the consultation on the White Paper: Planning for the Future, on behalf of the Council and delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments to the response prior to submission.	
7. SEPARATE BUSINESS	
The Chairman will move the adoption of the following resolution:	
That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
8. SEPARATE MINUTES	107 - 109
To approve the separate Minutes of the meeting of the Committee held on 26 August 2020.	
9. CLEEVE COMMON LEASE	110 - 117
<i>(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))</i>	
To determine whether a new lease of the Clubhouse should be granted and how this should be concluded.	

DATE OF NEXT MEETING
WEDNESDAY, 18 NOVEMBER 2020
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R A Bird (Chair), G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, J R Mason (Vice-Chair), C Softley, R J Stanley, M G Sztymiak and R J E Vines

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held remotely on
Wednesday, 26 August 2020 commencing at 4:00 pm**

Present:

Vice Chair in the chair

Councillor J R Mason

and Councillors:

G F Blackwell, M Dean, D J Harwood, E J MacTiernan, R J Stanley, M G Sztymiak and
R J E Vines

EX.26 ANNOUNCEMENTS

26.1 The Vice-Chair in the chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

EX.27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

27.1 Apologies for absence were received from Councillors R A Bird (Chair), M A Gore and C Softley. There were no substitutions for the meeting.

EX.28 DECLARATIONS OF INTEREST

28.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

28.2 There were no declarations of interest made on this occasion.

EX.29 MINUTES

29.1 The Minutes of the meeting held on 5 August 2020, copies of which had been circulated, were approved as a correct record.

EX.30 ITEMS FROM MEMBERS OF THE PUBLIC

30.1 There were no items from members of the public.

EX.31 EXECUTIVE COMMITTEE FORWARD PLAN

- 31.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 5-13. Members were asked to consider the Plan.
- 31.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.32 PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2019/20

- 32.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 14-65, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2019/20 quarter four performance management information.
- 32.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, and the Council Plan Performance Tracker, attached to the report at Appendix 2. The Overview and Scrutiny Committee Chair reminded the Executive Committee that the figures were for the final quarter of 2019/20 and had been unaffected by the COVID-19 pandemic. The performance information for quarter one of 2020/21 would be the first set of statistics that would show any downturn in performance because of the pandemic.
- 32.3 Members had been provided with a summary of the key areas discussed by the Overview and Scrutiny Committee which noted that the Committee had considered the performance management report, including areas where actions or key performance indicators had not been progressing as smoothly or quickly as envisioned; these were highlighted in the Executive Committee's report at Sections 2.4 and 3.3. Overview and Scrutiny Committee Members had asked a number of questions in terms of the performance tracker and those were identified at Appendix 1 to the Executive Committee's report; however, key areas of discussion included the trade waste review and whether the new target date was achievable given previous dates had been moved numerous times. In response, the Head of Community Services had explained that the most recent delay had been because market analysis had not been possible as the businesses involved had been closed due to the COVID-19 lockdown – an update on that project would be provided to the Overview and Scrutiny Committee at its meeting on 1 September 2020. There had also been a discussion about the Ministry of Agriculture, Food and Fisheries (MAFF) site and the fact that it should be considered for parking requirements along with Spring Gardens; it was proposed that a Parking Strategy Review Working Group be held in September to seek Members' views on whether the work to date could be continued or whether there would be a need to start from scratch. In terms of the tourism review, a Member had questioned why the independent review had not been commissioned in advance of the target date and the Deputy Chief Executive had confirmed that the proposed consultants had experience in the area, having carried out similar reviews for other authorities, but he would report back to the Overview and Scrutiny Committee as to the reasons why the review had not been commissioned sooner. It had also been agreed that a report on what the review would cover, along with an update on tourism related projects, would be scheduled for the 24 November 2020 meeting. The Head of Corporate Services had advised that the Advice and Information Centres (AICs) had been reviewed in the past and it was felt that another review would be timely to discuss whether they were providing value for money; however, it was agreed that it would be prudent to defer that review and await further information on the impact on the Council's budget as a result of COVID-19 as there was potential to

deliver customer service in other ways rather than face to face. Members had also raised concerns regarding increases in fly tipping and abandoned vehicles and questioned whether there was a particular reason for this; the Head of Community Services had advised that there was no intelligence to explain the increase – which had been countywide – although the closure of the Household Recycling Centres due to COVID-19 may have had some impact. In terms of sickness, a Member had sought assurance about the amount of short term absences and whether those contributed to the average number of sick days per full time equivalent employee being so high for 2019/20 compared to the national average of 4.4 per employee and whether next year's target would be more ambitious; the Head of Corporate Services had advised that the average within the public sector was eight days and this year the statistics had been heavily impacted by the number of long term absences; he gave assurance that the Council had a robust Absence Management Policy in place and HR worked closely with managers to ensure due process was followed if the triggers in the policy were hit.

32.4 In addition, the Overview and Scrutiny Committee Chair explained that, given the broad coverage of agenda items that his Committee covered, questions and actions arising were naturally generated and at each meeting he ensured actions were agreed and the relevant officer allocated an appropriate timescale. These actions are then proactively monitored to ensure they were appropriately followed up.

32.5 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2019/20 be **NOTED**.

EX.33 FINANCIAL UPDATE - QUARTER ONE 2020/21

33.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 66-79, highlighted a quarter one deficit on the revenue budget and detailed the expenditure to date against both the capital programme and the approved reserves. Members were asked to consider the financial performance information for the first quarter of 2020/21.

33.2 Members were advised that unfortunately a significant deficit of £444,000 was being reported; however, overall, the financial position was not as bad as first feared due to the COVID-19 pandemic. The position was summarised within the report at Paragraph 2.1 and in Appendix A. The Head of Finance and Asset Management explained that the COVID-19 financial position was being analysed separately and the main contributions to those costs were the Places Leisure contract payment; purchase of laptops for remote working; Personal Protective Equipment (PPE); and the additional costs from Ubico in terms of staffing etc. for safe working requirements. Income levels were substantially down in several areas but the quarter two information to date suggested an early recovery in some services.

33.3 With regards to savings, the Head of Finance and Asset Management explained that the largest area of saving in this quarter was within the employees heading and that highlighted the number of staff vacancies the Council had needed to manage during the COVID-19 response as well as providing a normal level of activity in core services. Recruitment was now beginning to take place and the Council was receiving a high number of applications to some posts which was great news. In terms of the pay award, 2% had been allocated within the budget but that had not been spent in the first quarter; an award of 2.75% had now been agreed and that would be backdated to April – this would be covered by the

contingency that had been put into place when the budget had been set.

- 33.4 An updated COVID-19 impact forecast was included in the report at Paragraph 2.6 and Members were reminded that this was not a full budget forecast at this stage and, overall, the expenditure remained around £3 million.
- 33.5 During the discussion which ensued, a Member questioned whether the underspend on employees would have an impact on the performance indicators going forward; he was acutely aware that the Council sometimes had issues when it was understaffed. In response, the Head of Finance and Asset Management explained that it was difficult to know the contingencies that had been put into place by different services, or how staff had been redeployed during the COVID-19 pandemic, so he was unable to provide a full response to that query. In terms of the finance team, there were a couple of vacancies which should be filled soon; however, the service had not been unduly impacted in the first quarter from those vacancies. In addition, the Deputy Chief Executive explained that one of the things the recovery plan would look to do was to implement clear and transparent methodology for each service area to understand the implications of COVID-19. A template was currently being put together for each Head of Service and Operational Manager which, once completed, would help the authority understand the resource implications and how they could be addressed. In addition, he confirmed that the Recovery Plan reflected the priorities of the Council Plan and, as such, the performance trackers for each plan would be twin-tracked going forward with both trackers being considered by the Overview and Scrutiny Committee and the Executive Committee; this would help clearly explain where actions had been reprioritised into a different workstream, which actions had been superseded and what was still moving forward.
- 33.6 In response to a query regarding community grants, the Head of Finance and Asset Management confirmed that, at the time of writing the report, the fund was £710,000 underspent; however, applications were still being received so that figure was likely to be less now. The government had been firm in its stance that any unspent monies would have to be returned to central government after the closure of the scheme on 28 August.
- 33.7 A Member expressed his thanks to the finance team for keeping Members informed of the position of the Council's finances in a clear way even in these exceptional times. Accordingly, it was

RESOLVED: That the financial performance information for the first quarter of 2020/21 be **NOTED**.

EX.34 COUNCIL TAX REDUCTION SCHEME AND COUNCIL TAX DISCOUNTS 2021/22

- 34.1 The report of the Head of Corporate Services, circulated at Pages No. 80-85, provided the Committee with information on the Council Tax Reduction Scheme and an update on the annual review of Council Tax discounts. Members were asked to consider the information provided and make a recommendation to Council as to the Council Tax Reduction Scheme to be adopted and the Council Tax discounts to be applied from 1 April 2021.
- 34.2 Members were advised that there was a requirement to have a Council Tax Reduction Scheme to support residents who qualified for assistance in paying Council Tax. The Scheme had to specify the reductions which were to apply to amounts of Council Tax payable by persons, or classes, or a person, whom the authority considered were in financial need. In January 2020, Council approved a Council Tax Reduction Scheme for the 2020/21 financial year which meant it remained on the national default scheme, as it had since 2013, but with a minor

revision of a tolerance for income changes. It was also agreed that alternative options would be reviewed to ensure any future scheme provided the right level of support for residents as well as its impact on the Council's wider financial position. However, due to the current, and likely ongoing, impact of the COVID-19 pandemic, it was recommended that the Council remain on the default scheme for working age claimants for the 2021/22 financial year.

34.3 In respect of Council Tax discounts, Members were advised that the Local Government Finance Act 2012 had abolished certain discounts with effect from 1 April 2013 and replaced them with discounts which could be determined locally. Those had remained broadly the same since 2013/14 other than a change to the level of discount given to short term empty properties and the levying of an empty homes' premium from 1 April 2019. From April 2020, an additional power had been granted to allow the increase of the levy charge to 200% for properties which had been unoccupied and unfurnished for a period of over five years; Council had adopted that option for the 2020/21 financial year and the premium was currently levied on 22 properties which resulted in an additional income of £61,000 with the Council retaining approximately £4,500. From April 2021, a further power would be granted to increase the empty homes premium to 300% for properties that had been unoccupied and substantially unfurnished for more than 10 years. There were six properties that met the criteria and the levying of the additional charge resulted in further income of £10,000 - the Council's share of that was minimal but, more widely, it supported the Council's strategy to bring empty properties back into use which was a key driver for the Council.

34.4 Accordingly, it was

RESOLVED:

That it be **RECOMMENDED TO COUNCIL:**

1. That the default Council Tax Reduction Scheme be **ADOPTED** effective from 1 April 2021 with a minor revision to the national working age regulations to allow for a de minimis tolerance for income changes.
2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.
3. That the following Council Tax discounts be **ADOPTED** effective from 1 April 2021:
 - The discount for unoccupied and substantially unfurnished properties is 25% for a maximum period of six months.
 - The discount for properties which are vacant and require major repair work to render them habitable is 25% for a maximum period of 12 months.
 - The discount for unoccupied furnished properties (second homes) is zero.

- An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years.
- An empty homes premium of an additional 200% is levied on properties that have remained unoccupied and substantially unfurnished for at least five years, but less than ten years.
- An empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years.

EX.35 SEPARATE BUSINESS

35.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.36 CLEEVE COMMON LEASE

(Exempt – Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

36.1 The Committee considered the report and agreed the way forward in respect of the Cleeve Common Lease.

The meeting closed at 5:00 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	21 October 2020
Subject:	White Paper: Planning for the Future
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

On 6 August 2020, the government published its White Paper: Planning for the Future for consultation. The White Paper sets out a package of proposals for the 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. The proposals are wide ranging and would bring a significant change to the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.

The government is seeking views on the specific proposals, and the wider package of reforms presented, and the White Paper contains a series of specific question on which to respond. The consultation is taking place over a 12-week period which closes on 29 October 2020.

A response to the consultation has been prepared and is attached at Appendix 1 to this report. The report seeks approval of the Executive Committee to submit this response on behalf of Tewkesbury Borough Council.

Recommendations:

- 1. That the proposed responses to the White Paper: Planning for the Future, provided at Appendix 1 to the report, are APPROVED by the Executive Committee to be formally submitted as Tewkesbury Borough Council's response to the consultation.**
- 2. That authority is delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments to the response prior to submission.**

Reasons for Recommendation:

The proposals set out within the White Paper: Planning for the Future would have significant impacts on the planning service at Tewkesbury Borough Council. It is therefore important the Council responds to this consultation to contribute to the shaping of the planning reform and set out any concerns with the government's proposals.

Resource Implications:

No resource implications directly from submitting this response. However, the proposals set out within the White Paper would likely to have significant human and financial resource implications for both Development Services and the wider Council. The proposed response highlights these issues and sets out the need for the government to provide support to local authorities in implementing any reform.

Legal Implications:

No legal implications arise from this response as it is a consultation response on the proposed changes to the planning system.

Risk Management Implications:

The proposed reforms would likely have significant resource implications for Tewkesbury Borough Council. It will be important to plan for, and manage, changes to the planning system to ensure the Council continues to run an effective service that meets government requirements.

Performance Management Follow-up:

The Development Services team will continue to monitor the outcome of this consultation and review future proposals or changes to planning policy or legislation that would have implications for the delivery of the planning service at Tewkesbury Borough Council.

Environmental Implications:

Proposals to reform the planning system are likely to have different environmental implications. However, the White Paper puts importance of design and place making, promoting the stewardship and improvement of the countryside and environment and the role of the planning system to support our efforts to combat climate change and maximises environmental benefits.

1.0 INTRODUCTION/BACKGROUND

- 1.1 On 6 August 2020, the government published its White Paper: Planning for the Future, for consultation. This is attached at Appendix 2 to this report. The White Paper sets out a package of proposals for the 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.
- 1.2 The White Paper sets out that the current planning system requires addressing in order to be fit for purpose:
- It is too complex and inconsistent, creating a loss of public trust.
 - the plan-making process is too long with the evidence underpinning it being too complex and opaque.
 - the approach to developer contributions, to infrastructure and affordable housing is too complex and protracted.
 - there is not enough focus on design and that is resulting in not enough homes being built. It also states the system is based on 20th century technology and needs to be modernised.

1.3 Through the White Paper, the government sets out a new vision for the planning system and states they wish to:

- be more ambitious for the places we create.
- move the democracy forward in the planning process.
- improve the user experience of the planning system.
- support home ownership.
- increase the supply of land available for new homes where it is needed.
- help businesses to expand.
- support innovative developers and housebuilders.
- promote the stewardship and improvement of our precious countryside and environment.
- create a virtuous circle of prosperity in our villages, towns and cities.

1.4 The White Paper is structured around three 'pillars':

- Pillar One – Planning for development.
- Pillar Two - Planning for beautiful and sustainable places.
- Pillar Three - Planning for infrastructure and connected places.

Under each pillar there are a series of proposals, 24 in total, that cover a comprehensive range of issues that would result in a significant change to the current planning system. Key proposals include simplifying the role of Local Plans, (to expedite the process to developing plans), and changing the emphasis to a more 'zonal' approach to designating land for development or protection that focuses on setting out local specific design codes rather than generic planning policies. Proposals look to make decision-making faster and more certain by front-loading the plan-making process and making the application process more standard and digital.

Great emphasis is put on design and place-making with a recognition of the changing resources, skills and priorities needed for Councils. The White Paper proposes to consolidate the existing Community Infrastructure Levy and S106 system for development contributions into a single, consolidated Infrastructure Levy, through which affordable housing would be delivered.

1.5 The government is seeking views on its proposals and within the paper set out a series of specific 26 questions on the different elements of the reform presented. The consultation is being undertaken over a 12-week period with the deadline for response on 29 October 2020.

2.0 TEWKESBURY BOROUGH COUNCIL RESPONSE TO THE WHITE PAPER

2.1 Officers from across Development Services have reviewed the proposals contained in the White Paper to formulate a response to each of the questions posed through the consultation. This has also been assisted by a seminar discussion with Members to help inform the Borough Council's response. The proposed consultation response is included at Appendix 1 to this report.

2.2 The purpose of this report is to seek approval from the Executive Committee to submit the proposed response as the formal response from Tewkesbury Borough Council.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

3.1 Adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011-2031).

4.0 RELEVANT GOVERNMENT POLICIES

4.1 The National Planning Policy Framework (2019).

5.0 RESOURCE IMPLICATIONS (Human/Property)

5.1 No resource implications directly from submitting this response. However, the proposals set out within the White Paper would likely have significant human and financial resource implications for both Development Services and the wider Council. The proposed response highlights these issues and sets out the need for the government to provide support to local authorities in implementing any reform.

6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

6.1 The proposed reforms set out in the White Paper have the potential for wide ranging sustainability implications. However, the paper states that key to the reform is to improve outcomes on design and sustainability.

7.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

7.1 Not applicable.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

8.1 Not applicable.

Background Papers: None.

Contact Officer: Planning Policy Manager Tel: 01684 272089

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Appendices: 1: Tewkesbury Borough Council Planning White Paper Response.
2: White Paper – Planning for the Future.

Appendix 1: Tewkesbury Borough Council Planning White Paper Response

PILLAR ONE: Planning for Development

Question 1: What three words do you associate most the planning system in England?

- Inconsistent
- Slow
- Complex

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

Yes – we are the Local Planning Authority

Question 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?

Not applicable

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

- Infrastructure
- Affordability
- Design

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

The proposed approach would front-load the decision-making process by increasing the role of plans in setting out more detailed expectations for development within certain areas depending on their designation under the three categories. This will add certainty to what development will be allowed and where. It could also make the decision-making process quicker as a result.

It is still considered that flexibility for changing circumstances, following adoption of plans, is important and something that may be lost through the proposed approach.

There is concern over how this proposal relates to Proposal 8 and the expectations for local plans to be delivered within a 30-month period and particularly the 12-month period for drafting the plan and establishing the evidence base. Front-loading the plan making process will mean more detail and evidence will need to go into the designation of the land and in

setting out exactly what development is appropriate in each, especially for Growth Areas where outline planning permission would be granted. While this may lead to quicker decision making, it does increase the amount of resource and time needed at the plan making stage.

The examination process and scrutiny from the wider public and development industry may also be lengthened and increased under this proposal. This is due to the precision that plans will need to provide in guiding development. There is concern over the potential lack of flexibility for subsequent applications following adoption.

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

The Borough Council can see the merit of not repeating national policies within local plans and there would also be benefits in expediting the plan making process if local plans were streamlined having regard to general development management policies.

However, it is difficult to see how this could be achieved while also ensuring that the high-quality development that the White Paper aspires to, that respects regional and local characteristics, is delivered. Local communities should play a role in how development happens in their areas (e.g. through design codes and/or locally specific policies) however in reality, it is difficult to understand how this could effectively work within the time frames envisaged in the white paper (e.g. only seven neighbourhood plans are in place in the Tewkesbury Borough area since the 2011 Localism Act came into force) and it can be difficult for some parts of the community to engage in this process.

In view of this, there is a danger that high quality, locally specific design won't be achieved, and the system will instead deliver more generic design that relies upon national policy. National scale policies will not be able to reflect specific local characteristics (e.g. agricultural diversification, conversions, rural enterprises) if those members of the local community aren't engaged with the policy making process.

Question 7a: 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?

It is agreed that the current Sustainability Appraisal system can be unwieldy, bureaucratic and not very accessible. Therefore, proposals to simply and streamline this process and to improve its overall transparency are supported. However, it is critical that a new system is still able to robustly test plan proposals for their sustainability and assess the environmental impacts. There is a real risk that the proposals would remove critical environmental safeguards and the need to satisfy legal requirements. Short cutting these considerations in the name of expediting plan making would be a retrograde step. This will be even more important if the local plan process will grant permission through identifying growth or renewal areas, as the environmental considerations that would currently be assessed in detail through the application process will now have to be dealt with through the plan making process.

It is also considered that any new test must continue to consider social and economic sustainability as well as environmental.

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

It is considered that there remains a need for an over-arching high level spatial plan beyond local authority level (such as regional or sub-regional) to adequately plan for strategic issues, such as meeting wider growth needs and delivering infrastructure required. These issues already require cross-boundary working and this must continue to be effective. Individual plans shouldn't be brought forward in isolation of the wider strategic planning needs of an area.

It is also felt that a national infrastructure plan would be of value for major infrastructure projects, such as transport and energy.

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

In principle, a standard method for establishing housing requirements helps to simplify plan making, adding certainty and speeding up the process. It would save a considerable amount of resources at the local planning authority level in needing to put together the evidence base on housing need and means that the issue is not subject to lengthy debate through the examination process.

However, this is only acceptable if the methodology is deliverable and fair and provides a realistic housing target for local authorities. In this regard, a methodology that simply seeks to divide up a pre-determined national figure, not derived from local level requirements, is not going to achieve this. A standard methodology that provides the certainty of a set calculation and common data sets is positive, but it should be based on local evidence of needs. The current top-down approach is essentially applying a formula and data until the correct answer is arrived at and does not reflect local circumstances.

It is also critical that the methodology is realistic and deliverable. For example, the increases in housing need resulting from the proposed methodology in recent 'Changes to the current planning system' consultation are extensive. For Tewkesbury Borough, the calculation would lead to an annual housing figure that is double that of its current adopted housing requirement. This need on its own is incredibly challenging to deliver in an area of Green Belt, AONB and flood risk. However, through the current joint planning arrangements with Cheltenham and Gloucester Councils, Tewkesbury are already helping to meet the unmet housing needs of these two urban areas. Going forward these already highly constrained urban areas are not going to be able to deliver against their own requirements due to lack of physical capacity. Therefore, as well as meeting its own substantially increased needs, Tewkesbury Borough is also going to need to consider meeting a significant proportion of needs from Cheltenham and Gloucester. It should also be noted that Cotswold District Council, which is adjacent to Tewkesbury Borough, would see their annual housing requirement triple, in an area that is almost entirely within AONB and this is likely to add further pressure for housing on adjacent areas.

Although the Government wish to see 300,000 homes delivered per year, there is a real danger that employing a methodology that sees significant, uncapped increases in housing requirements are not realistic to deliver. This not only includes the practicalities of planning for such levels of growth (i.e. identifying suitable and available land) but also the ability to deliver and fund the large amount of infrastructure that would need to support development, and whether the house building market has the ability to deliver the quantity of homes in

terms of resources (human and material), particularly delivering the quantity of houses in a small area.

Tewkesbury Borough Council are positive about delivering growth. However we are concerned that such high needs aren't realistically deliverable and therefore the area would be disadvantaged by not being able to meet its housebuilding targets with the penalties that come with that in terms of the presumption in favour of development and policies being considered to be out of date.

There is, however, support for constraints and practicalities being factored into the calculation and the authority would be keen to understand the Government's proposals for doing this.

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

Using affordability as a key determinant in the standard methodology disproportionately weighs housing needs towards rural areas that have greater environmental constraints. This means that greater housing needs are distributed to more sensitive areas where meeting housing needs is more environmentally challenging and less sustainable. In addition, house prices in the rural areas around larger urban areas are driven by their very accessibility to those urban areas and the employment, service and leisure opportunities they provide.

For example, in the recent 'Changes to the current planning system' consultation, within Gloucestershire, the methodology employed would result in the more rural authorities of Tewkesbury, Cotswold, Forest of Dean and Stroud seeing increases in housing figures of 85%, 148%, 64% and 25% respectively. Meanwhile the urban authorities of Cheltenham and Gloucester would see decreases in housing figures of -1% and -12% respectively.

Affordability is generally more of an issue in rural areas and traditionally the supply of land for housing in these areas has been lower, largely because of the environmental constraints that exist as well as general sustainability considerations. For example, in Tewkesbury Borough there are significant constraints posed by significant areas of the Cotswolds AONB, high flood risk, and Green Belt; as well as other areas of high landscape and historic sensitivity.

In addition, places such as the Cotswold AONB, also have a significant pressure for the demand for second homes from people who do not live in the Borough. This helps to inflate house prices while at the same time the earnings from these buyers is not reflected in the average income statistics. This increases the affordability ration for the Borough as a whole.

Putting such a great weighting on affordability does not reflect the circumstances as to why the supply of sustainable housing land may be constrained and is counterproductive in achieving sustainable development. This is also therefore likely to run contrary the proposal for land constraints to be factored into the methodology.

The rationale for using affordability in the calculation is based in the principle that increasing housing requirements in areas of high affordability will lead to a decrease in house prices. However, the housing requirement and the supply of land is only one factor and there are other market forces at play that are outside a local authority's control. A key example would include the role of housebuilding industry and their assumptions on sales values and the relationship to bringing homes forward i.e. not wanting to flood the market to maintain value, or 'land banking' sites until values improve.

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

In principle this could be acceptable subject to the proper assessments being made at plan-making stage. Proper sustainability and environmental assessments need to be undertaken at some stage in the process and it would appear sensible for this to be done at the plan making stage given the hope value given by allocation/identification as a growth area. However, this does not necessarily align with the proposals to streamline the plan-making process given the amount of detailed work that would need to be front-loaded on to the plan making process to the equivalent level of an outline planning application.

Furthermore, it should also be noted that the financial and human costs of producing evidence and assessments to an outline application level will now fall to the local planning authority (as opposed to the applicant). This will add further burden to local authorities and be a further strain on their resources if additional investment in local authority planning departments is not made.

Question 9b: Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

The benefit of this approach could be of value, but for its successful implementation it would need to be backed up with detailed design codes, patterns books etc. that reflect the different characteristics of the area. This would take significant time and resources including meaningful consultation with local communities.

There would also be potential obstacles to this type of approach when working on cross-boundary development, where the aspirations of different LPAs would not necessarily align.

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

The current NSIP regime is not considered fit for purpose to deal with the complexity of and detailed issues relating to new settlements. New settlements are complex and are built over a longer time period and will be subject to change.

The NSIP/DCO process still requires significant input from the local authority as a consultee which would place a demand on local resources, without the benefit of fees being received by the LPA.

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

There are some potential benefits in standardising some processes, i.e. information to be submitted, standard conditions etc., would help ensure consistency but there are always certain cases which would need tailoring to local circumstances.

Greater digitisation is welcomed but is wholly reliant on well-resourced IT infrastructure which is not available to all LPAs and would require significant and sustained investment.

The delegation of detailed planning decisions would speed up the decision-making process but could potentially disenfranchise local communities. Planning decisions can be important to local communities and the reduction of the assessment of applications to a tick box exercise is highly unlikely to result in improved outcomes in terms of quality.

Financial penalties for local authorities for failure to meet target deadlines or where appeals are allowed (which may be by a fine margin of subjective judgement by one Inspector, when another Inspector or the Secretary of State may have arrived at a different conclusion) are an unacceptable and counterproductive measure which could:

- Further reduce LPA resources, affecting their ability to achieve high quality planning outcomes;
- Result in rushed decision-making to meet targets which could impact on design quality/ place-making;
- Potentially holding Council's to ransom to not refuse applications which could be perceived to interfere with local democracy.

There is no mention of what penalties the development sector would face if they failed to adhere to timescales and failed to build out schemes which had been granted consent.

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

This proposal is generally supported. However, it is important that local authorities are supported and resourced in order to make the transition to a standardised approach that utilises different technology and software as well as its ongoing maintenance. This goes beyond just planning and is often a wider corporate resourcing issue, such as procurement and IT teams.

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

There is general agreement that the plan making process needs to be expedited and that public engagement into it should be improved. There is, however, real concern over the proposals set out regarding the timescales and plan making stages and how realistic it would be for plans to be delivered in this way.

It is not considered that the proposed five stage process allows for enough public engagement in the plan making process. Under the proposal there would be public consultation at the very start of the process to seek views on what development should look like and it should be located before any plan is formed. There would then not be another opportunity to comment on the plan until Stage 3 just before the plan is submitted for examination. This means that there is no opportunity for public comment on the draft plan, that the local authority can then use to inform the further drafting of the plan before it is then submitted. Under the proposal comments would be only considered by the appointed Inspector who would then make binding changes. This removes a key part of engagement in the plan making process to the detriment of both the public and the local authority.

In general, there is concern that the timetable set out in this proposal is not achievable. This specifically relates to Stage 2 which would mean that the plan and its evidence base would

need to be completed within 12 months. Even with the changing role of plans set out in the White Paper this is an unrealistic timeframe. Indeed, the proposal to allocate growth areas, and granting them outline planning permission, together with developing associated design guidance/codes means that a lot of detailed evidence and work will be needed for such designations, more so than the existing system of allocations. This will include putting together the same of amount of evidence and supporting studies as you would expect for an outline application but potentially over much larger areas. In addition, other parts of the evidence base, such as transport strategy for the plan area, are themselves significant and complex pieces of work that can take over 12 months. Despite there being no formal consultation, the local authorities will also need to engage with developers and statutory consultees (Environment Agency, Highways England etc) on matters of deliverability to inform the drafting of the plan, particularly in regard to sites.

The examination process at Stage 4 is allocated 9 months. This is a disproportionately long time in the context of the wider 30-month process set out and needs to be expedited.

Clarification is needed over the adoption process at Stage 5 for the local authority following the examination. For example, it is proposed that the Inspectors changes would be binding. What happens if a local authority did not want to accept the changes? Or would the local authority be required to adopt the plan as recommended by the Inspector?

Question 13a: Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

It is considered that Neighbourhood Plans can have a positive impact under a reformed system, particularly in influencing how developments are designed and their contribution to local character and place making.

However, the Government's expectation for Neighbourhood Plans, and what they can deliver, needs to be clearly set out so that local communities know what to expect and what the opportunities and parameters are. In addition, if local communities are going to put significant resource into developing plans there needs to be commitment that appropriate weight in decision making will be put on their policies. Too often communities have spent years putting together their plans only for them to be considered out of date in decision making on planning applications.

Question 13b: 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?

It is considered that the neighbourhood planning process can be particularly valuable in setting out the local design and place making objectives to influence how new development is delivered.

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?

The building out of development is going to be critical in delivering homes to the levels required by a standard methodology in a timely way.

PILLAR TWO: Planning for beautiful and sustainable places

Question 15: What do you think about the design of new developments that has happened recently in your area?

- Generally, for large developments, ‘off the shelf’ designs are used which do not respect local character, nor blend in with the locality. We have a wealth of character across the Borough that is distinct to us, and we should ensure that design respects surrounding character, setting and identity.

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

Sustainability and addressing the climate and ecological emergency should be at the heart of planning and should be a core principle running through the planning system, furthermore the role of planning and development in achieving the Government’s carbon net zero targets should be explicit.

Energy efficient, carbon zero homes are critical in meeting the challenge of reducing carbon emissions in the area as well as nationally. In that respect it is not considered that the proposal within the previous Future Home Standard consultation for new homes to produce 75-80% lower CO₂ emissions by 2025 is not quick enough or far enough. In Tewkesbury Borough alone, before 2025, over 2,500 homes are expected to be delivered with many more likely to be granted consent. This means that if higher requirements are not put in place until 2025 that nationally there will be 100,000’s of homes built that are not required to have these significantly lower CO₂ emissions. In future, many of these homes will need retrofitting for them become zero carbon. A nationally set standard for energy efficiency, through building regulations, is generally supported and is a better approach than individual authorities having to introduce standards separately. However, the building regulations standards need to be more ambitious and come into effect as soon as possible. It is also considered that energy efficiency standards for commercial and other non-residential buildings need attention as a major source of carbon emissions from buildings.

In addition, there is a critical need to support the retrofitting of existing homes and commercial premises to enable them to become more energy efficient, employ renewable energy systems and work towards carbon neutrality.

The provision of high-quality green infrastructure is important to sustainability to ensure people have easy access to open space as well as enhancing and restoring biodiversity and habitats. This also has a role to play in carbon sequestration, flood risk management and adaptation to climate change (particularly temperature regulation). It is crucial that new development makes appropriate contributions to green infrastructure and that this is built in as a fundamental part of the design of development. This should include achieving biodiversity net-gain as part of all new development.

A key sustainability challenge is to de-carbonise the transport network and particularly in promoting a greater role for public transport and active travel. While the move towards electrification of motor vehicles is an important part of this, it must go together with providing attractive and convenient alternatives to private car use, particularly for shorter trips that could be made by walking or cycling.

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

Design guides and codes can be an appropriate tool when produced and used in the right way, but they can also be very resource hungry and require a lot of up-front work and consultation.

Design Codes can become out of date and can stifle innovative design. They would need to be a fluid document that could be regularly reviewed (for example to reflect changing government policy and regulations, such as climate change mitigation, and local highway authority guidance, building regulations etc.) which would have ongoing cost/ resource implications.

The production of design guides would need to be a multi-agency approach to reflect all requirements.

The Council would question how much influence local communities could have on developing local design codes in the context of all existing regulations/ policies. E.g. a local community's idea of local density may be very different from central government aspirations for housing numbers and delivery.

Design guides and codes would not eliminate disagreement between applicants and decision-makers; there will always be a matter of judgment as to whether a proposal is in conformity with the code. There may also be better outcomes from designs that don't comply. By the same token, a design could be put forward which appears to meet all the requirements of a design code but could still represent poor quality design. Design is an art, not a science.

Design guides and codes are best used when they guide a proposal, but it is only the assessment of proposals by qualified professionals, taking on board the aspirations of the local community, that will lead to the high quality aspirations for design the Government is looking for.

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?

A new body would be helpful to disseminate and share best practice, in terms of what is good design. However, what would be more beneficial for LPA's would be to be able to call upon specialist advice and resource to deal with specific planning applications. It is not clear what weight these bodies would have in decision-making and plan adoption.

New Local Authority posts for design and place-making are crucial to meet the Government's aspirations but would have a financial impact on LPAs and would require additional funding.

Most councils have a 'Chief Planning Officer' who should be empowered to take a lead role in creating high expectations in respect of design quality, however most Chief Planning Officers are not so empowered. The important issue is the LPAs retain the ability to refuse planning applications that do not meet the Government's, their communities and their own aspirations for high quality design.

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. As the government's housing accelerator Homes England should be leading by example in terms of the quality of development and overall place making agenda. Funding criteria should be linked to high quality development. In addition, sites that Homes England buy and subsequently release to the market should give greater weight to design than land investment return.

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

The production of design codes and development briefs requires significant skills, resources and time to produce effective working documents that cater for all types of development and would need to be fluid documents to reflect changing tastes and regulations. The Council does not consider that this could be achieved to such a degree or even come close by automating the process. Design guidance/codes can give some degree of certainty to developers, so they understand what the local context requires, however major development proposals require robust assessment by professionals who understand that context.

It is unclear that the Government's proposals would lead to better places. The proposals do not account for innovative design which may well be preferable to those indicated by a design guide/code which could lead to bland environments rather than the rich, diverse places that should be aspired to. The implication is that this would be a tick box exercise and that there would be no judgement involved which would not, and should not, be the case.

This Council's experience is that the extension of permitted development rights generally results in poorer design outcomes, for example the conversion of really poor quality modern agricultural buildings; oversized domestic dormer windows etc. The Government's proposals are understandably focused on major new development, but if we forget to look after the fine-grain details of our existing places and allow them to be developed with little thought to high quality design, faith in the planning system will be lost.

PILLAR THREE – Planning for infrastructure and connected places

Question 21: When new development happens in your area, what is your priority for what comes with it?

Appropriate Infrastructure which is delivered on time to coincide with occupancy of the properties being built.

Question 22a: Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No. The proposed changes would place a considerable burden on LPA's to deliver all of items currently provided by developers. There is also insufficient information provided to know how this would work in practice. In addition, who would set the threshold above which the levy would be charged. It is acknowledged that in some cases it would be better if the LA could provide all the necessary infrastructure for a new development. To have this control would ensure the infrastructure was delivered in timely manner. The issue however is that smaller Local Authorities just do not have the financial means to forward fund large infrastructure requirements.

Question 22b: Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

The rate should be set locally, as a national rate would be a very crude tool and not reflect local markets and circumstances. Clarification is required on this point as a national rate would have to be set at the lowest viable level, so the rate in deprived inner-city areas would be the same as sites in affluent high value areas in London. Is this the intention?

Question 22c: 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?

Given the amount of infrastructure required to deliver the level of planned growth the Levy should capture as much value as possible to support great place-making.

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

No. This would be a huge risk for Councils to take on.

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

In principle yes, however there are concerns as to how this would be implemented.

Question 24a: 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, and more. However, the existing system of securing affordable housing through S106 should remain. The onus should be placed on developers. The proposed changes would place considerable pressure and burden on Local Authorities. No details are provided as to whether there would be a revenue stream to allow for the recruitment of staff to deliver the infrastructure and affordable housing as a result of development.

Question 24b: 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?

As stated above the provision of affordable housing should remain the responsibility of the developers. If Council's were given the "right to purchase" at a discounted rate, then this would have significant resource and financial implications for LA's.

Question 24c: If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

The quality of development should be set out within existing planning policy and design codes.

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

There should be no restrictions on spending of the Infrastructure Levy, providing that the funding is being used to address the infrastructure requirements arising from the development.

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

It is essential that affordable housing is provided so money for this should be ring fenced. There is an assumption that there is spare money available once all of the S016 and CIL requirements have been met. This is not the case.

Question 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?

Any reforms to the planning system should not discriminate or create the opportunity for any discrimination for any member of society.



Ministry of Housing,
Communities &
Local Government

PLANNING FOR THE FUTURE

White Paper August 2020





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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:	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. Views are sought for specific proposals and the wider package of reforms presented.
26 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-the-future</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: 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.

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.

The Rt. Hon. Boris Johnson MP
Prime Minister



“The homes we need in the places we want to live in at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.”

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 build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.

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.

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.

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 Boys Smith, and Christopher Katkowski QC.

The Rt. Hon. Robert Jenrick MP

Secretary of State for Housing, Communities and Local Government



“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 the dignity and security of a home of their own.”

Introduction

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

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

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.

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 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

There is some brilliant planning and development. And there are many brilliant planners and developers.

Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case-by-case basis.



The planning system is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks.

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

- 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 seven years (meaning many policies are effectively out of date as soon as they are adopted).

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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.

- 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.⁵



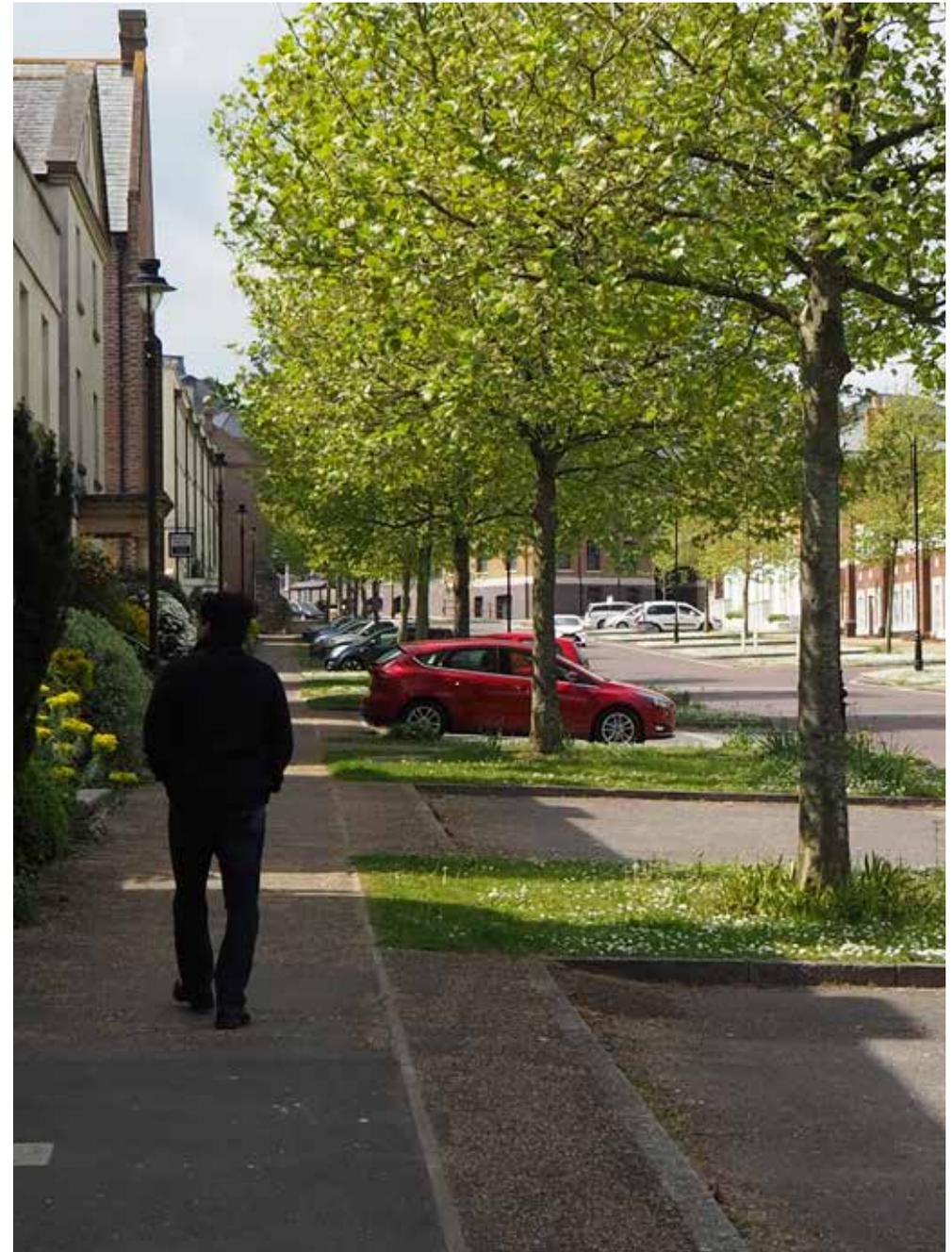


- It is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks. The planning process remains reliant on documents, not data, which reduces the speed and quality of decision-making. The user experience of the planning system discourages 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 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.⁶ 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 ignored too readily.

- 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).⁷ 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.

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, 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.

The Government has made significant progress in recent years in increasing house building, 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



The Government has made significant progress in recent years to increase house building, with construction rates at a 30-year high.



A new vision for England's planning system

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.

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), the 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.

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;¹⁰
- 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
- 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 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.

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.

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.



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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';
- 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;
- 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.

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.

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.¹¹



Proposals

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.

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:

- 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, 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- Decision-making should be faster and more certain, within firm deadlines, and should make greater use of data and digital technology.

We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms

- 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.

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.
- 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.

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.
- 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.

“The Community Infrastructure Levy and the current system of planning will be reformed as a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’).”

- 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.
- 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.
- 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.
- 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.
- 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.

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.

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.

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• 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.

• 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

Our proposals will greatly improve the user experience of the planning system, making it fit for the next century.

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.

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.

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

Innovators and businesses will benefit from a planning system that is much more adaptable to the changing need of the economy.



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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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:

- 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?
- 2(a). Do you get involved with planning decisions in your local area?
[Yes / No]
- 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]
3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?
[Social media / Online news / Newspaper / By post / Other – please specify]
4. 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]



Proposals

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

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*.

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.

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.

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.

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.

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

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

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.

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.

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.

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

6. 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.]

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

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.



A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.

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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.

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. Plan-making policies in the National Planning Policy Framework will make this clear.

“A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process. ”

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.

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

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

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.

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.

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.

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.

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.

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.

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

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.]



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.

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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.

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.

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.

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.

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).

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.

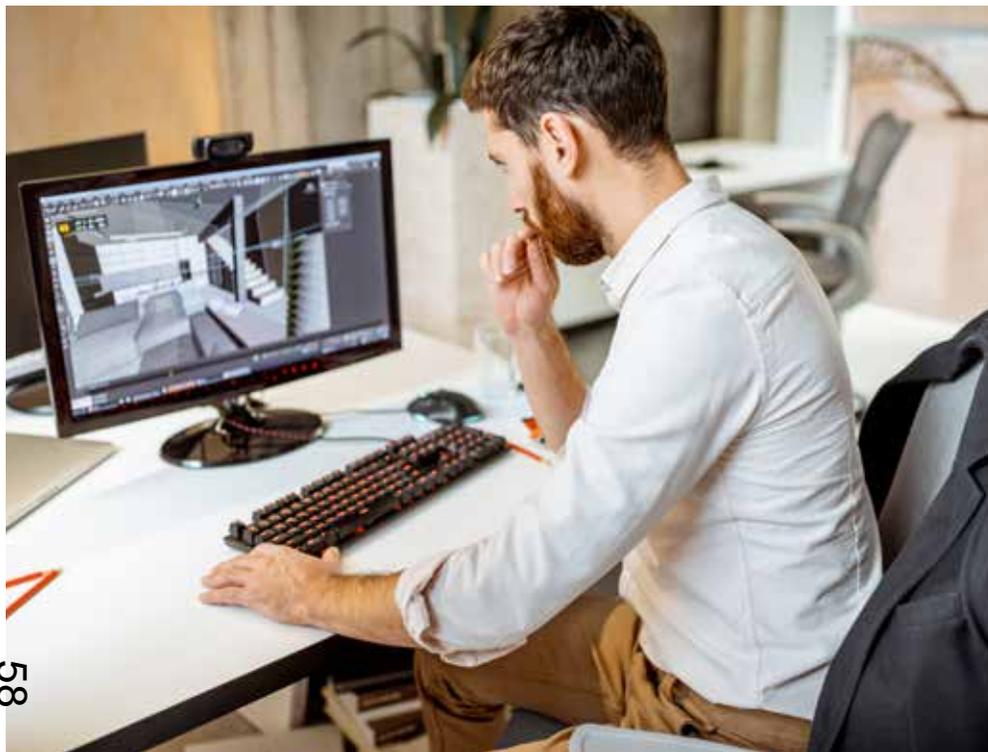
We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.

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.

The route to full planning permission should follow clearly and directly from the designation made in the Local Plan.

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



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

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.

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;

- 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;
- 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;
- 59 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.

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 communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.

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?

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



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

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.

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.

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.

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 45.¹⁸

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



A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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 could be for those who fail to do so.

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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.
- 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.

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.

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.



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.

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.

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.

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



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

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.

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.

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.



SPEEDING UP THE DELIVERY OF DEVELOPMENT

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

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.

Questions

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

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

Pillar Two – Planning for beautiful and sustainable places

Overview

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.¹²



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'.

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 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?**
[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]
- 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]



As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short.



Proposals

CREATING FRAMEWORKS FOR QUALITY

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.

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.

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.¹³ It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.



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.





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.

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 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.

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

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.

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.

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.

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 / No / Not sure. Please provide supporting statement.]**

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.

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.

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.

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 / No / Not sure. Please provide supporting statement.]**



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.



A FAST-TRACK FOR BEAUTY

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.

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.

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.

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 set-backs). 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.

One of the central propositions of the Building Better, Building Beautiful Commission is that there should be a 'fast-track for beauty'.

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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.

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?

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



EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

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).

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.¹⁴ 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.

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.

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.

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

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.

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.

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 re-use 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.

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.



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.

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.

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.

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.

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.

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.

Pillar Three – Planning for infrastructure and connected places

Overview

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.

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.

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.¹⁵ This acts as a barrier to entry to the market, and major developers are better placed to 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.

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.

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.



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.¹⁹ 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

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]

Proposals

A CONSOLIDATED INFRASTRUCTURE LEVY

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

- 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.]
- 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]
- 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.]
- 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.]



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

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

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.]

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.

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.

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 on-site 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.¹⁶ 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.



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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.



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

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 on-site delivery was not required, and cash payment could be made in lieu. Where on-site 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

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.]

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.]

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.]

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.]

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

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.

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.

Questions

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

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

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

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

It is important that there is a strong link between where development occurs and where funding is spent.

Delivering change

How we move into the new system

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.

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.

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.

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;

This consultation document can be found at:

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

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/transparency-and-competition-a-call-for-evidence-on-data-on-land-control .

Public assets and investment

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:

- 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

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.

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

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.

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.

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.¹⁷ 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.

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 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.

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.

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.

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.

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.

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.

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

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

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

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.

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.

We will seek to strengthen enforcement powers and sanctions



What happens next

Implementing reform

The proposals in this paper apply to England only. Planning is devolved in Scotland, Wales and Northern Ireland.

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.

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.

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

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.

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.

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

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?



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.gsi.gov.uk

100 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.

Footnotes

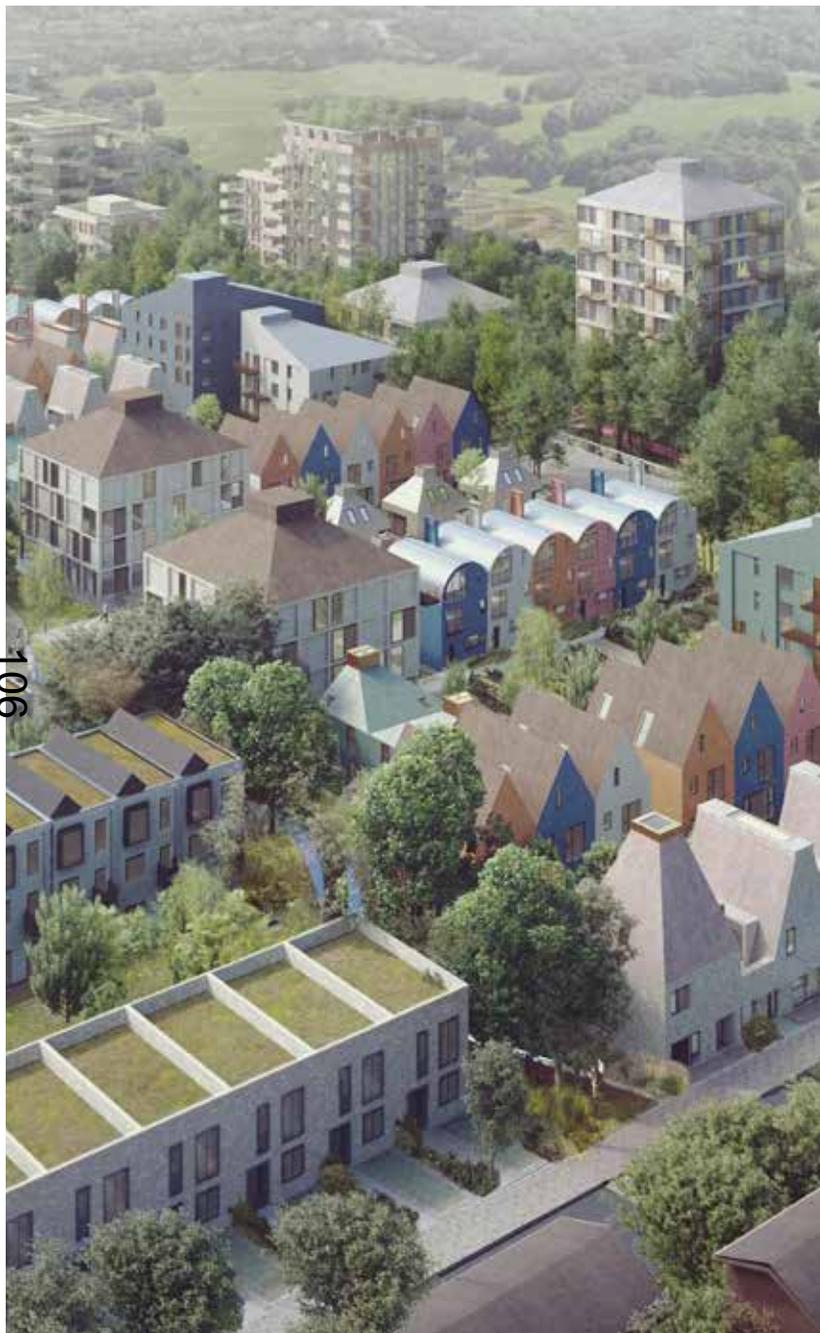
- 1 The shortage of affordable homes in and close to the most productive urban centres is a major drag on national productivity – see PwC (2019) “UK Housing market outlook”, available at <https://www.pwc.co.uk/economic-services/ukeo/ukeo-housing-market-july-2019.pdf>.
- 2 The EU Compendium of Spatial 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/BBBB_Commission_Interim_Report_Appendices.pdf.
- 5 See the LGAs open statement on planning at <https://www.local.gov.uk/keep-planning-local>.
- 6 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-infrastructure-levy-in-england-2018-to-2019-report-of-study>
- 7 MHCLG data on housing supply available at <https://www.gov.uk/government/statistics/housing-supply-net-additional-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/BBBBBC_Commission_Interim_Report.pdf
- 10 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).
- 11 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, well-being and sustainable growth”, available at: <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>; Create Streets (2018) “From NIMBY to YIMBY”, and (2018) “More Good Homes”.
- 12 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/>.
- 13 Our plan for cycling and walking is available at <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>.
- 14 To give your views on the England Tree Strategy, please visit <https://consult.defra.gov.uk/forestry/england-tree-strategy/>.
- 15 MHCLG (2019) The Value and Incidence of Developer Contributions in England 2018/19
- 16 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.
- 17 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-2019-and-beyond-IFS-Report-166.pdf>
- 18 For more information see <https://www.commonplace.is/>
- 19 Estimates provided to the Housing, Communities and Local Government Select Committee Inquiry into Land Value Capture: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>



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38	Community engagement	HTA Design
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