

# Responding to the Planning Reform Consultations

## Parish Councils and Community Groups

- Presentation to help you understand the Planning White Paper and its implications – **29<sup>th</sup> October deadline**
- Prompts for how to respond well to the consultation

Thank you to Andrew Wood, Consultant Planner for CPRE

September 2020

## How does the Planning White Paper fit with other reforms?

- Changes to General Permitted Development Order & Use Classes Order - already implemented (but now facing legal challenge)  
*Greatly extends what can happen without planning permission – therefore bypasses public engagement, design codes, (& Infrastructure Levy?)*
- 'Changes to the Planning System' consultation – **1<sup>st</sup> October deadline**  
-Includes **new housing requirement methodology** & First Homes  
*Sets up centralised approach to numbers and tenure which will be made mandatory under Planning White Paper proposals*
- Devolution White Paper – later this year
  - Statutory (strategic) planning powers to Combined Authorities
  - Encouraging mergers of smaller/district authorities into unitaries*How do the new powers fit with Planning White Paper?*  
*How will authorities meet the timetable for new Local Plans?*

# Housing requirement: New Standard Method – *Problem?*

*Totally flies in the face of the Government's 'levelling up' agenda!*

## Starting Point

ONS household projections OR 0.5% (annually) of existing housing stock level, whichever is the higher

*In many areas, ONS projections are higher than 0.5% of stock and remain volatile. Method directs growth to where already highest, and does not prioritise brownfield.*

## Affordability Adjustment

Mean house price to mean income ratio

Plus a factor for change in ratio over last 10 years i.e. Uplift where housing is more expensive and More uplift where it's becoming more expensive over time

*Pushes new housing to more expensive areas, without tackling affordability.*

## National Total

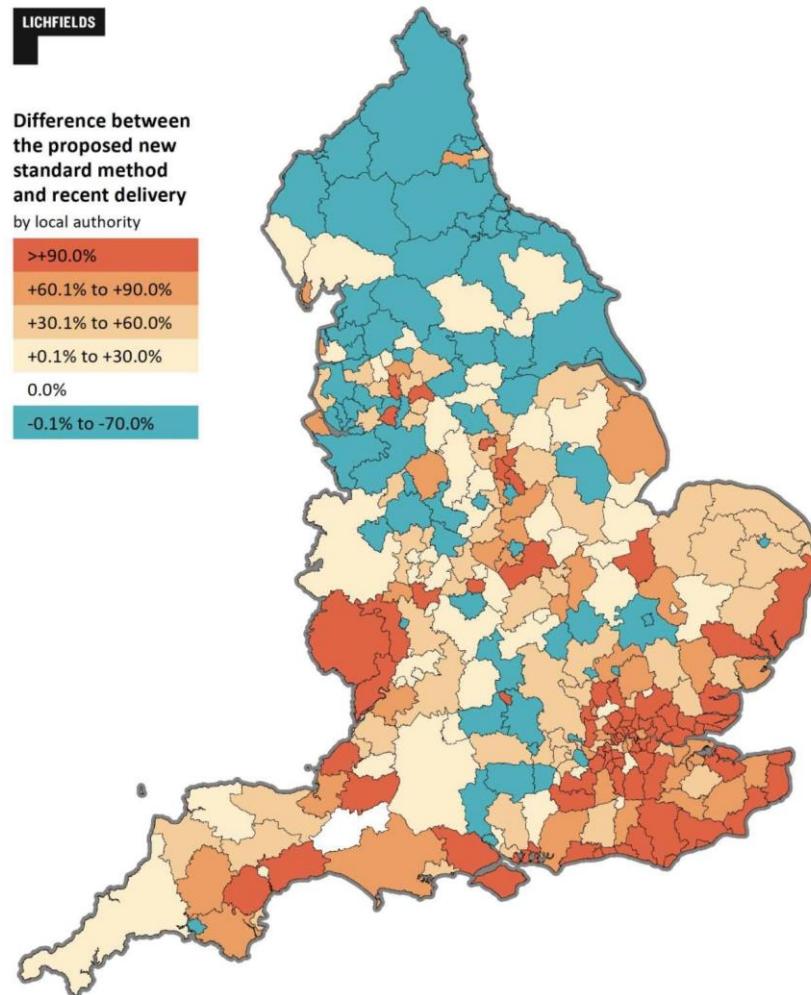
New method adds up to 337,000 per year (minimum 1 million this Parliament)

*Already 1 million homes out there in unbuilt planning permissions.*

*Latest household projections are only 164,000 per year.*

# Housing requirement: New Standard Method – *Problem?*

*Totally flies in the face of the Government's 'levelling up' agenda!*



Source: Lichfields

<https://lichfields.uk/blog/2020/september/4/cause-for-concern-what-does-the-new-standard-method-mean-for-the-north-east/>

## In Hampshire – *Problem?*

*Shifts housing numbers from Cities to towns and rural areas*

# Making Sense of the Planning White Paper consultation

## 'Free' Questions

Q1. What three words do you associate most with the planning system in England?

Q2. Do you get involved with planning decisions in your local area?

Q4. What are your top three priorities for planning in your local area?

Q15. What do you think about the design of new development that has happened recently in your area?

Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Q21. When new development happens in your area, what is your priority for what comes with it?

# Making Sense of the Planning White Paper consultation

**CPRE Analysis: Consultation Questions can be grouped round 7 reform objectives**

1. Improving equitable access to the planning system
2. Simplifying and speeding up the planning system
3. Increasing certainty/consistency through centralising some elements of the process
4. Overhauling strategic-scale planning and sustainability testing
5. Improving the design standards of what is built – through Design Codes
6. Retaining and improving Neighbourhood Planning
7. Overhauling the Planning Gain regime – ie S106 and Community Infrastructure Levy

# Making Sense of the Planning White Paper consultation

## Objective: Improving equitable access to the planning system - questions

Q3. 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?

Q11. Do you agree with our proposals for accessible, web-based Local Plans?

Q26. 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?

# Making Sense of the Planning White Paper consultation

## Objective: Improving equitable access to the planning system – CPRE Analysis

There is room for improvement, especially with online systems that aren't easy to navigate but:

- Most planning engagement is done online already (apart from Committees and Public Inquiries)
- Online information and site notices aren't mutually exclusive
- A fully online system runs risks of excluding some older people, some minority ethnic groups, and some disabled people.

# Making Sense of the Planning White Paper consultation

## Objective: Simplifying and speeding up the planning system - questions

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

Q9a. Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Q9b. Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Q10. Do you agree with our proposals to make decision-making faster and more certain?

Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

# Making Sense of the Planning White Paper consultation

## Objective: Simplifying and speeding up the planning system – CPRE Analysis

Zoning creates additional consenting routes – may add *more* complexity

- Automatic outline permission in Growth zones;
- ‘Statutory presumption in favour’ and ‘Permission in Principle’ in Renewal zones
- Possibly also Local Development Orders;
- Existing style planning permission in Protected zones

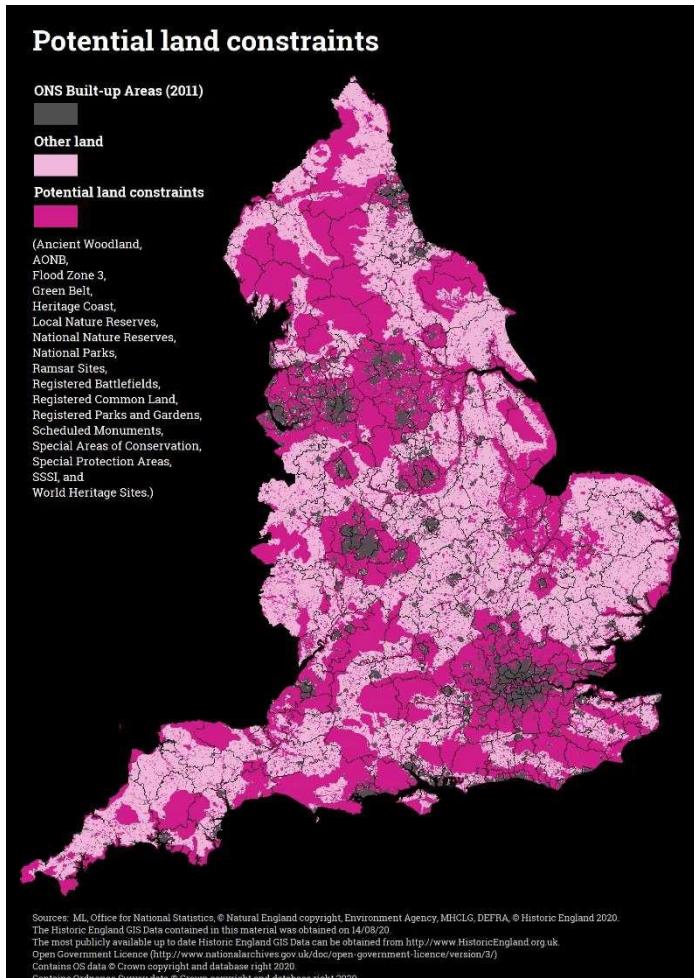
Amount of land zoned for Growth is contingent on top-down housing target, which may vary every five years, so land needs could be volatile.

Binding zonal system will likely lead to legal challenges during plan-making stage, and cause long delays.

If Strategic Plans are introduced, these also need a timescale!

# Making Sense of the Planning White Paper consultation

Objective: Simplifying and speeding up the planning system – **CPRE Analysis**



- Much of the land where the new method would focus housing is constrained by combination of Green Belt and environmental and heritage assets.
- That means huge tensions between where should be zoned for Growth and where should be zoned for Protection.
- This makes argument and delay inevitable.
- It also raises big questions about the value of protected areas in supporting sustainable development.

Source: Government data via <https://www.planoraks.com/posts-1/planning-vs-politics-3-tests-facing-planning-for-the-future>

# Making Sense of the Planning White Paper consultation

## Objective: Increasing certainty/consistency through centralisation - questions

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Q8a. Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Q8b. Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

Q9c. Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

# Making Sense of the Planning White Paper consultation

Objective: Increasing certainty/consistency through centralisation – CPRE Analysis

Removing development management policies from Local Plans means no public engagement/scrutiny of how proposals are assessed (except design codes)

Mandatory, top-down housing requirements are the opposite of local engagement – neither you nor your local authority have any say

Allowing new settlements to come forward through the Nationally Significant Infrastructure (NSIP) regime would mean the largest development will have the least local scrutiny, and will probably lack local design codes.

# Making Sense of the Planning White Paper consultation

## Objective: Overhauling strategic-scale planning and sustainability testing - questions

Q7a. 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?

Q7b. How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

# Making Sense of the Planning White Paper consultation

Objective: Overhauling strategic-scale planning and sustainability testing – **CPRE Analysis**

The White Paper makes a muddle of various different current requirements: Tests of Soundness, Duty to Cooperate, Sustainability Appraisal, Strategic Environmental Assessment.

White Paper proposals for mandatory housing requirement and zoning eliminate crucial points where alternatives can be considered.

Suggestion: Devolution and new Strategic Plans could provide a basis for cooperation and sustainability testing, but these require an allowance for time, resources and powers not set out in the White Paper.

# Making Sense of the Planning White Paper consultation

## Objective: Improving the design standards of what is built - questions

Q17. Do you agree with our proposals for improving the production and use of design guides and codes?

Q18. 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?

Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

# Making Sense of the Planning White Paper consultation

## Objective: Improving the design standards of what is built – CPRE Analysis

Design standards definitely need to improve, but:

- The proposals don't enable communities to engage in the principle of developments;
- Not enough time is allocated to allow local design codes to be produced;
- Too much reference is made to poorly-defined aesthetic concepts such as 'provably popular designs' and 'fast-track for beauty';
- No indication of how developments happening through NSIP or GDPO would be assessed on design;
- Default National Design Code will not be subject to scrutiny;
- Significant weakening of zero-carbon ambitions for development;
- Minimal attention given to non-residential development.

# Making Sense of the Planning White Paper consultation

## Objective: Retaining and improving Neighbourhood Planning - questions

Q13a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Q13b. 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?

# Making Sense of the Planning White Paper consultation

## Objective: Retaining and improving Neighbourhood Planning – CPRE Analysis

White Paper appears not to understand the status/process of Neighbourhood Planning.

Neighbourhood Plans form part of the Statutory Development Plan. Many contain development management policies.

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

What happens then? Implications for communities' trust in the system.

# Making Sense of the Planning White Paper consultation

## Objective: Overhauling the Planning Gain regime – so many questions!

Q22a. 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?

Q22b. Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Q22c. 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?

Q22d. Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Q24a. 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?

Q24b. 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?

Q24c. If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Q24d. If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Q25a. If yes, should an affordable housing 'ring-fence' be developed?

# Making Sense of the Planning White Paper consultation

## Objective: Overhauling the Planning Gain regime – CPRE analysis

Currently, S106 can deliver affordable housing; CIL is aimed at schools, healthcare, community facilities.

Neither S106 nor CIL are good at delivering where development values are low and viability is open to challenge.

White Paper creates one Infrastructure Levy – effectively a value tax, and aims to do away with viability test.

But:

- still raises more money in higher value areas, leaving lower value areas behind
- Tenure preference for First Homes may mean Levy primarily subsidises home ownership, and doesn't address genuine affordable need or other community infrastructure.

## Campaigns/resources by other groups

- “The Wrong Answers to the Wrong Questions” – really useful article by planning academics challenging the assumptions behind the White Paper

<https://www.tcpa.org.uk/blog/blog-the-wrong-answers-to-the-wrong-questions>

- Shelter: Explaining how the reforms won’t address housing need and affordability [https://england.shelter.org.uk/media/press\\_releases/articles/shelter\\_responds\\_to\\_new\\_planning\\_reforms/shelter\\_responds\\_to\\_major\\_new\\_planning\\_reforms](https://england.shelter.org.uk/media/press_releases/articles/shelter_responds_to_new_planning_reforms/shelter_responds_to_major_new_planning_reforms)

- RIBA blog – the architecture profession’s reaction to the reforms

<https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/deregulation-wont-solve-the-housing-crisis-riba-criticises-jenricks-planning-reforms>

- Rights:Community:Action – crowdfunded legal challenge to the GDPO and Use Class changes

<https://rightscommunityaction.co.uk/latest-news/our-legal-challenge-to-planning-reforms/>

- Planning Law Blog – Simonicity – includes analysis of the legal challenge

<https://simonicity.com/2020/09/05/lights-camera-action-the-planning-changes-parliamentary-scrutiny-that-jr/>

## Summary Headline Arguments

- Nine out of ten planning applications are approved
- 1 million homes already in unbuilt planning permissions
- **So planning is not the problem**
- First Homes won't be affordable to 96% of people on average salary
- **So affordability is the problem, but First Homes won't fix it.**
- Centralising housing numbers and **cutting democratic input in half** (or worse) is almost certain to cause legal wrangles, delay and loss of trust.
- **We must ask the Government to think again!**

## Things to do

- **Respond** re new housing numbers to the Changes to the Current Planning System: deadline 1<sup>st</sup> October
- <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- Email: [TechnicalPlanningConsultation@communities.gov.uk](mailto:TechnicalPlanningConsultation@communities.gov.uk)
- **Respond** re democracy to Planning White Paper: deadline 29<sup>th</sup> October
- <https://www.gov.uk/government/consultations/planning-for-the-future>
- Email: [planningforthefuture@communities.gov.uk](mailto:planningforthefuture@communities.gov.uk)
- **Contact Your MP** – find their details at [www.theyworkforyou.com](http://www.theyworkforyou.com)
- **Sign the CPRE petition** -  
<https://takeaction.cpre.org.uk/page/66589/petition/1?ea.tracking.id=cpre-web-take-action>

Please sign our petition:

<https://takeaction.cpre.org.uk/page/66589/petition/1?ea.trac king.id=cpre-web-take-action>

 The  
countryside  
charity

## Don't let the government deregulate planning

17,360 people have taken action so far. Help us reach 25,000.

The government has devised some new plans that could pose a huge risk to the countryside and the communities living and working within it.

Ministers want to take decision-making powers away from communities and local councils, handing it over to housing developers and central powers in Westminster.

Under these new proposals, **our ability to shape the future of where we live – a right communities have had for 70 years – could be lost with the stroke of a pen.**

We must resist this, but we don't have long.



[Take action](#) [Share](#)

To the Secretary of State for Housing, Communities and Local Government, Robert Jenrick

Drop the government's plans to deregulate planning – give communities the power to shape their future.

First name \*

Surname \*

Email address \*

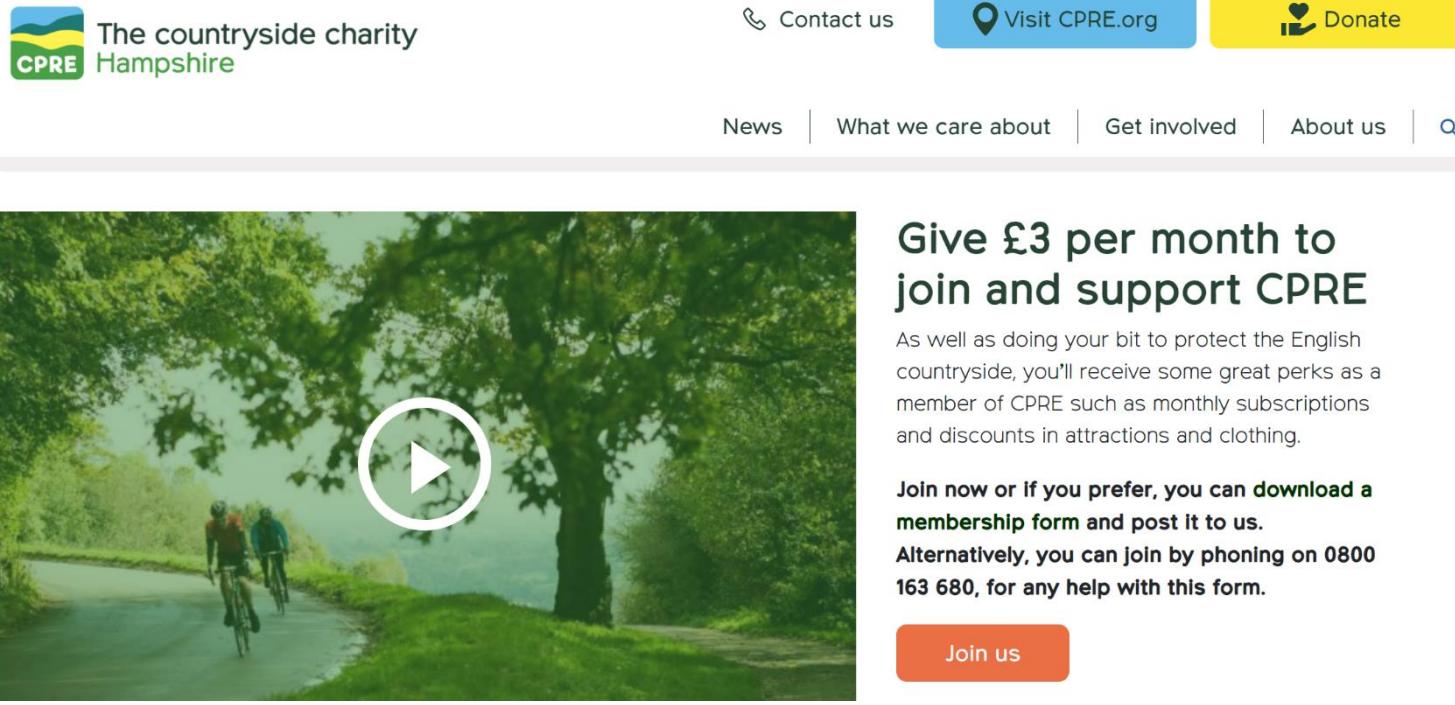
Stay in touch

We'd like to keep you updated about our work, campaigns, fundraising, events and other ways you can help keep our countryside thriving. Let us know how you'd like to keep in touch by selecting from the options below.

Email \*

It would also be wonderful if you could join or donate to CPRE, to help us campaign nationally and locally for a democratic planning system! Thanks.

<https://www.cprehampshire.org.uk/get-involved/become-a-member/>



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