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**Your 10-minute Guide to Responding to the Government’s consultation on the Planning for the Future White Paper**

**Deadline: 11.45pm, Thursday 29 October**

You can respond via the online survey:

<https://www.smartsurvey.co.uk/s/MHCLG-Planning-for-the-Future/>

Or by emailing your response to: [planningforthefuture@communities.gov.uk](mailto:planningforthefuture@communities.gov.uk)

The text below is provided as a guide only – naturally you will have your own views and experiences to share and it is always helpful if you can put responses into your own words.

**NB If your time is particularly limited we recommend concentrating on Questions 5, 6, 8, 10, 11,13 & 17.We have marked these with a** **\***

**Questions 1 – 4**

These are short questions asking about your personal views and experience – over to you!

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

No.

The proposed zoning, with varying consenting regimes, should be abandoned, and local authorities should be given the powers and resources to make the discretionary system work properly and give everyone confidence in it.

The proposals currently only specify one, 6-week public consultation window in the plan-making process, which represent a dramatic reduction on public involvement and cannot possibly be enough to gather the necessary evidence and build consensus.

Rather than trying to reduce objection and delay reactively, by squeezing out the role of communities and local democracy, the Government should do so pro-actively, by embracing consensus-building and deliberative democracy, along the lines of Citizens’ Assemblies, to enable people to genuinely shape their communities

Speed is not the problem. The real issues, which the Paper fails to address, include the monopoly of a small number of big plc builders who on the whole tend to build overpriced, poor quality houses too slowly; lack of genuinely affordable homes, 1 million homes with planning permission remaining unbuilt, and the vast retrofitting programme needed for the most energy inefficient housing stock in Europe.

**\*6. Do you agree with our proposals for streamlining the development**

**management content of Local Plans, and setting out general**

**development management policies nationally?**

No.

Nationally set development management policies may be useful in setting a template but Local Planning Authorities (LPAs) must have adequate room for manoeuvre to do good, place-based planning.

**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?**

There are no clear proposals of how this would work so it is hard to comment at this stage. We agree that the current process is not working well, as evidenced by the many unsustainable developments that are granted planning permission. Sustainability Appraisals, for example, invariably favour the Local Planning Authority’s preferred option by default. The new sustainability test would need to be much more robust and transparent if it were to overcome the problems inherent in the current system.

**7(b). How could strategic, cross-boundary issues be best planned for in the**

**absence of a formal Duty to Cooperate?**

The Oxfordshire 2050 Joint Statutory Spatial Plan is still emerging but may offer a viable route to addressing such issues. An important factor is its statutory status,

which brings formal requirements for engagement, scrutiny and accountability (although still with plenty of scope for improvement!).

However, strategic plans should be kept at a level where there is democratic accountability, not farmed out to unrepresentative bodies such the OxCam Arc Leaders group, England’s Economic Heartland or the National Infrastructure Commission.

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

No.

The method is strategically counterproductive, because it concentrates new housebuilding in the places where it will produce the most expensive homes, and addresses neither the challenge of levelling up growth between higher and lower demand areas, nor the chronic shortage of genuinely affordable housing.

Making it mandatory is undemocratic and would lock in a huge range of anomalous outcomes pushing Councils to set requirements significantly above or below their existing, locally-derived targets. A big drop may undermine regeneration aspirations, while a big increase is likely to be undeliverable. Inevitably, this will lead to huge amounts of lobbying and wrangling that can only serve to further slow the process.

**8(b). Do you agree that affordability and the extent of existing urban areas are**

**appropriate indicators of the quantity of development to be accommodated?**

No. See answer to Q8a.

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

No. See answer to Q5.

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

No. See answer to Q5.

It is essential that a zoning system does not make a simplistic assumption that ‘the environment’ is protected by virtue of the Protected zones, when in reality all zones require an equally restorative approach to natural systems and people’s access to nature.

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

No.

There is high risk that the largest developments will be those with the least opportunity for democratic engagement and scrutiny. This is perverse.

**\*10. Do you agree with our proposals to make decision-making faster**

**and more certain?**

The introduction of multiple zones, with multiple routes for consent, will complicate the process and are likely to slow decision-making.

Overall, speed is not the problem. The real issues, which the Paper fails to address, include the monopoly of a small number of big plc builders who on the whole tend to build overpriced, poor quality houses too slowly; lack of genuinely affordable homes, 1 million homes with planning permission remaining unbuilt, and the vast retrofitting programme needed for the most energy inefficient housing stock in Europe.

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

In part.

The public would benefit from clear, searchable online mapping showing past and proposed development on an interactive map, incorporating other relevant data such as environmental information.

But digitising services will not increase engagement unless people are motivated to access them and can see that engaging has an impact on the outcome.

Similarly, digital engagement systems and smartphone apps will have to be of the very highest standards if they are to avoid discriminating against people with, for example, visual or motor disabilities. Site notices will still have a role to play.

**12. Do you agree with our proposals for a 30-month statutory timescale for the**

**production of Local Plans?**

No. This is likely to be unrealistic, with public engagement being the element most likely to be squeezed out.

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

Yes.

The Planning White Paper patronises local communities by undermining the one really positive planning reform of recent times, Neighbourhood Planning, and offering them a panacea of pattern-book Design Codes.

It is entirely unclear as to how the new zoning system would work in conjunction with Neighbourhood Plans.

If the new-style Local Plans, with their mandatory 30 or 42-month preparation period, and their mandatory top-down housing requirements, render an existing Development Plan out of date, then this would appear to render all the Neighbourhood Plans within that Development Plan out of date too, unless the Neighbourhood Plan is specifically exempted from this arrangement.

The removal of Local Plan development management policies could also, by default, remove Neighbourhood Plan development management policies, which would make the Neighbourhood Plan powerless to intervene in planning decisions within its area, and render the Neighbourhood Plan out of date.

Given the huge voluntary effort that goes into a Neighbourhood Plan, it is very likely that any change that puts them rapidly out of date, especially on a wholesale basis, would bring an abrupt end to Neighbourhood Planning and localism, because a community’s trust and willingness to invest its own capacity into the process will be crushed.

This is a real risk, which has not been properly thought through, and no specific powers or arrangements are afforded to this component of planning which currently has a statutory function *and* a high degree of public engagement.

**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?**

This is a red herring. Neighbourhood Plans will of course use any tools which are at their disposal and they have the resources to put to good use, but what they really rely on is motivated, conscientious volunteers with confidence in the value of the Plan. If Government wishes to change the role of Neighbourhood Plans then it must put forward tangible proposals that communities can understand and give meaningful comment.

**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. Sir Oliver Letwin’s Review of Build Out has set out how we can do this – in particular through local authorities taking a lead role in acquiring land and requiring a wider variety of housing types. The White Paper does little or nothing to set out how the changes proposed by Letwin might be taken forward.

**15. What do you think about the design of new development that has**

**happened recently in your area?**

[over to you for this one!]

**16. Sustainability is at the heart of our proposals. What is your priority**

**for sustainability in your area?**

[over to you for this one!]

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

Design codes in which people do not have a say are no meaningful substitute for communities’ ability to engage in the scale, distribution, type and principle of development.

There is certainly great scope for higher design standards in the planning system. It is also evident that people will – and indeed should – object to proposals that are poorly designed. It is important to note the findings of the recent Housing Design Audit that a high proportion of recent housing schemes should not have received planning permission when judged against current development management policies for design. **Standards do need to improve, but those standards are of little use if they are not adhered to.**

<http://placealliance.org.uk/research/national-housing-audit/>

Design codes must set zero-carbon, walkability and ecosystem restoration as non-negotiable starting points. Any design code that fails to do this is negligent and unfit for purpose.

**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?**

At present, LPAs vary in their use of codes and briefs, depending in part on their resources and skills, so the establishment of Director of Place roles in each authority would be positive and welcome.

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

Yes.

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

No.

Design quality cannot be narrowed down to a few aesthetic criteria for the buildings themselves. This is a disservice both to local communities and to design and place-making professionals, who understand that how places function and how they look are deeply inter-related. It implies that proposals adopting some design styles or approaches will be less open to scrutiny than others, which would be plainly wrong-headed. It will also be a barrier to innovative and imaginative designs, which are likely to be squeezed out by off-the-peg solutions that slavishly follow whatever standardised formulations of beauty or popularity have been established.

**21. When new development happens in your area, what is your priority**

**for what comes with it?**

[over to you for this one!]

**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?**

S106 has always had its failings and there is therefore plenty of scope for reform. In its current form, it is a vital lifeline to the affordable housing sector, as in many or most areas it is the principal source of supply. However, it is also evident that S106 is more effective in areas where development values are higher, and that it is not capable of delivering the overall scale of affordable housing that is needed.

Likewise CIL is not well-suited to tackling spatial inequalities because, in areas where development values are low, either the charging levels are set very low or zero, or CIL has not been adopted at all. Even where CIL is operating, it is not raising the anticipated levels of revenue. As a consequence, it is not delivering infrastructure in a timely manner, nor helping communities.

In principle, if the new Infrastructure Levy (IL) amounts to a development value tax, then this has the potential to offer a simplification that may be welcomed. Land value capture is an important principle and a value tax has potential to be fairer and more easily administered than the present system.

22(b). Should the Infrastructure Levy rates be set nationally at a single

rate, set nationally at an area-specific rate,or set locally?

Set locally based on a national formula, with bespoke, negotiated arrangements form larger schemes.

**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?**

More value.

**22(d). Should we allow local authorities to borrow against the**

**Infrastructure Levy, to support infrastructure delivery in their area?**

In principle, the new Levy becoming *payable on occupation* reduces risks for developers, whilst councils’ ability to provide infrastructure up-front by borrowing against future receipts may give more confidence to communities that the infrastructure will be forthcoming. However, it is fraught with risks to the public purse. Payment of the Levy is being deferred to a future time when market conditions may have substantially changed compared that in which permission was granted, and if so developers will inevitably seek to renegotiate their liabilities, leaving councils with both unpaid debts and future reduction in anticipated receipts.

**23. Do you agree that the scope of the reformed Infrastructure Levy**

**should capture changes of use through permitted development rights?**

Yes.

**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, but it must be complemented by real public investment, especially in areas where the Infrastructure Levy is unlikely to raise enough money. Without that complementary investment, the Levy will fail to deliver.

**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?**

No comment

**24(c). If an in-kind delivery approach is taken, should we mitigate**

**against local authority overpayment risk?**

No comment

**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?**

No comment

**25. Should local authorities have fewer restrictions over how they spend**

**the Infrastructure Levy?**

No comment.

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

No comment.

**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?**

An online-only approach could have an Equality Act implication due to differential access for some older people and some minority ethnic groups. Similarly, digital engagement systems and smartphone apps will have to be of the very highest standards if they are to avoid discriminating against people with, for example, visual or motor disabilities.