



Briefing 20-73

August 2020

White Paper: Planning for the future

To: All Chief Executives, Main Contacts and APSE Contacts in England, and for information Scotland, Wales and Northern Ireland

Key Points

On 6 August 2020, the government published the White Paper 'Planning for the future' which sets out a wide-ranging package of proposals to reform the planning system.

The consultation is running for 12 weeks and closes at 11.45pm on **Thursday 29 October 2020**. This briefing provides an overview of the proposals set out in the White Paper

1.0 Background

On 6 August 2020, the government published the White Paper 'Planning for the future' which sets out a wide-ranging package of proposals to reform the planning system.

The government states that the consultation seeks 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.

The consultation is running for 12 weeks and closes at 11.45 pm on Thursday 29 October 2020. This briefing provides an overview of the proposals set out in the White Paper. Details of the full document can be viewed via the following link:

[White Paper: Planning for the future](#)

A copy of the consultation questions are set out in Appendix One of this briefing.

2.0 Introduction

In introducing the document, the government suggests that the current system is inefficient, has an opaque process, and poor outcomes. To support this statement the following areas are highlighted as examples: -

- The system is too complex.
- Planning decisions are discretionary rather than rules-based.
- It takes too long to adopt a Local Plan.
- Assessments of housing need, viability, and environmental impacts are too complex and opaque.
- It has lost public trust.
- It is based on 20th-century technology.
- The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted, and unclear.
- There is not enough focus on design and little incentive for high-quality new homes and places.
- It simply does not lead to enough homes being built.

Therefore, the government reports that the White Paper proposals have been drafted to rediscover the original mission of the planning system, which was to improve our homes and streets and it is argued that this vision has been buried under layers of legislation and case law.

The document reports that the proposals intend to: -

- Be more ambitious for the places we create.
- Move the democracy forward.
- Improve the user experience of the planning system.
- Support homeownership.
- Increase the supply of land available for new homes where it is needed.
- Help businesses to expand.
- Support innovative developers and house builders.
- Promote the stewardship and improvement of our precious countryside and environment.
- Create a virtuous circle of prosperity in our villages, towns, and cities.

The consultation is formed of three sections, Pillar one – planning for development; Pillar two – planning for beautiful and sustainable places and Pillar three – planning for infrastructure and connected places.

3.0 Pillar one – planning for development

This section of the White Paper focuses on the initial planning stage of the system which is principally based on Local Plans and the white paper comments that this is a good foundation on which to base reform as it provides 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. With the National Planning Framework providing the basis for matters that are best set in national policy.

However, it is stated that change is needed as Local Plans have become increasingly complex with large amounts of supporting evidence required to enable the plan to be adopted, and it is commented that the complexity of plans makes it difficult for users of the planning system to find the information they required.

The White Paper suggests that Local Plans should be refocused on where they really add value and the government perceives that the focus should be on 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 with a genuine opportunity to shape those decisions

The proposals set out are designed to be a new approach to plan-making. To enable this the government will replace existing primary and secondary legislation. This aspect of the consultation document outlines the following 10 proposals: -

Proposal 1: The role of land use plans should be simplified. It is proposed that Local Plans should identify three types of land – Growth areas suitable for substantial development, renewal areas suitable for development, and areas that are protected.

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

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

Proposal 4: A standard method is required to establish the housing requirement figures and ensure 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.

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.

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

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

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and the government will support communities to make better use of digital tools.

Proposal 10: A stronger emphasis on build out through planning.

4.0 Pillar Two – Planning for beautiful and sustainable places

Following on from the proposal to improve the planning process aspect of the system, the government report that the second part of the reforms have been proposed to ensure that the system in place enables the creation of beautiful places that will stand the test of time, protect and enhance the precious environment, and supports efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050.

To enable this the government believes that the planning system 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.

The first part of these proposals focus on creating frameworks for quality, and are as follows: -

Proposal 11: To make design expectations more visual and predictable, the government will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, the government 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.

Proposal 13: To further embed national leadership on delivering better places, the government will consider how Homes England's strategic objectives can give greater emphasis on delivering beautiful places.

The second part of the proposal in this section focus on a fast track for beauty, and are as follows:-

Proposal 14: The government intends 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.

The final four proposals in Pillar Two of the White Paper focus on effective stewardship and enhancement of the natural historic environment and are outlined below:-

Proposal 15: The government intends to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: The government intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

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

Proposal 18: To complement the planning reforms, the government says it will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver their commitment to net-zero by 2050.

5.0 Pillar Three – Planning for infrastructure and connected places

This section of the White Paper focuses on infrastructure and it is acknowledged that new development brings with it new demands 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. The government also believes this is central to their vision for renewal of the planning system.

The government states that there are several problems with the current system of developer contributions, and it is anticipated that the proposals set out in the consultation will address these issues. The proposed reforms focus on a consolidated infrastructure levy and are set out as follows: -

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.

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

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

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

6.0 Delivering change

How the government propose moving to a new system

The government state that in bringing forward reform to improve the operation of the planning system, they do not want to cause delays to development that is currently planned. Therefore, subject to the responses to the consultation the government report that they will consider arrangements for implementing the changes to minimise disruption to existing plans and development proposals and ensure a smooth transition.

To assist in making a rapid change to the new planning system the government report that they have already introduced: -

- A new Use Class Order, with associated permitted development rights, to make it 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.
- 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.

In addition, the government have also published a consultation on shorter-term measures which are designed to improve the immediate effectiveness of the current system, these include:

- 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 the consultation document.
- 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 have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

Details of these proposals are outlined in the changes to the current planning system consultation. Details can be accessed via the following link: -

[Changes to the current planning system](#)

Public assets and investment

The government advises that as they reform the planning system, they 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. It is stated that they intend to do this in the following ways: -

- Ensuring investment in new public buildings supports renewal and regeneration of town and city centres across the country.
- Exploring how disposal of publicly-owned land can support the SME and self-build sectors

Supporting innovation in delivery

As the government brings forward the reforms they also state that they want to ensure that the right delivery mechanisms are in place, including development corporations. At the end of last year, the government consulted on proposed changes to the legislative framework for development corporations. Including exploring whether changes were required to enable more flexible development corporation models to drive housing, regeneration, and employment. It is advised that the responses to the consultation are still being considered.

Making sure the system has the right people and skills

This section of the White Paper outlines further proposals that focus on changing the way that Local Authority Planning Services operate to make them fit for the future.

Proposal 23: As the government develops the final proposals for this new planning system, they will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms.

Proposal 24: The government will seek to strengthen enforcement powers and sanctions

7. What happens next?

The White Paper sets out the governments intentions for the next steps it plans to take to reform the planning system as being: -

- Subject to the outcome of this consultation, they will seek to bring forward legislation and policy changes to implement the reforms. It is stated that the consultation sets out the vision for the basis of a reformed planning system. However, the government advise that they 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. It is proposed that the government will continue to develop the proposals as feedback and views are gathered.

- Local Plan reform, changes to developer contributions and development management require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place, with the expectation that new Local Plans will be in place by the end of the Parliament.
- Any policy changes, including setting a new housing requirement, will be updated in the National Planning Policy Framework.

APSE Comment

The COVID -19 pandemic has highlighted the inequalities in society and has brought a sharp focus on the importance of strong communities and the need for high quality, well designed, sustainable and affordable housing that people can call home.

APSE acknowledges that changes are required to the planning system to ensure the sector can deliver good quality housing that meets the needs of communities today and for future generations. The proposals set out in the White Paper: Planning for the future set out wide-ranging reforms that do not address some of the key issues that impact on the delivery.

The process of producing and getting a Local Plan adopted is complex and resource intensive. Therefore, exploring options to streamline the system is welcome but the proposals set out in the White Paper do not provide the detail required to assess if changes are going to deliver positive outcomes, for example, there is no reference to links with neighbourhood plans. In addition, it is stated that the 'duty to cooperate' will be removed but it is unclear how the strategic matters will be tested for their effectiveness under the new system.

APSE is concerned that after the planning stage of the process community engagement does not form a prominent role within the proposed new system and that the Planning Inspectorate will have discretion on how representations may be taken. Effective community engagement is a key component of place-shaping and providing the housing and infrastructure that is required in a local area.

['Housing for a Fairer Society: the role of councils in ensuring stronger communities'](#) emphasised that APSE strongly believes that local planning authorities should be empowered and adequately resourced to take on the role of 'master-developers' ensuring that Local Plans deliver real change. However, the proposal outlined in the White Paper and other measures such as extending permission in principle and permitted development rights can only be seen as eroding this role. Indeed, permitted development has actively worked against the ability of local councils to protect local residents from poor housing standards, and poor quality of place. It is therefore disappointing to see

permitted development rights not only continuing but potentially being expanded, without the right safeguards in place.

The process of obtaining developer contributions has long been problematic, with the ability to achieve higher contributions in high market value areas when compared with areas of lower land value which further exacerbates inequalities in the system. Research carried out by APSE and the TCPA, IN 2019 found that 72 % of English Local Authorities responding to the survey reported that Section 106 contributions were their dominant model for delivering affordable and social housing. Therefore, prior to bringing in changes to developer contributions, detailed stakeholder engagement is required to ensure that any new system adopted does not undermine local authorities' ability to deliver affordable and social housing.

With many local authorities declaring a Climate Change Emergency and taking the lead in their local areas to develop strategies to meet ambitious carbon neutral targets, many would argue that the proposals contained the White Paper simply do not go far enough to meet ambitious local targets to reduce or remove reliance on fossil fuels in new housing developments. This will be critical in meeting climate change carbon neutral targets at local, regional and national levels.

On a final point, effective housing development is reliant on long-term strategies and business cases. The constant change in national policy can be detrimental and undermine the longer-term outcomes. Therefore, when reform is proposed on the scale outlined in the White Paper, consideration needs to be given to the whole sector, and there needs to be a strong vision as to what the housing of tomorrow looks like. Since the passing of the Addison Act in 1919, many lessons can be learned and this is an opportunity to reform the system to promote community wellbeing, focusing on the role housing can play in economic development, ensuring the homes being developed support carbon neutral ambitions and are affordable, are of high-quality and sustainable as well as contributing to healthy place-making.

APSE will be responding to the consultation on behalf of its membership and would welcome any comments or details that you would like to supply to support the submission. Please forward details to vhacking@apse.org.uk by Monday 12 October 2020. We would also be happy to organise an online forum to discuss your intended responses to the consultation. If you would like to take part please contact Vickie Hacking on vhacking@apse.org.uk

APSE is also delighted to announce that we will be launching our new housing research, 'At a Crossroad: Building Foundations for Healthier Communities' which was undertaken in collaboration with the TCPA on the 26 August 2020. Further details will be circulated in due course but you can reserve your place now at this event using this link:- [Reserve your place here](#)

Vickie Hacking,
APSE Principal Advisor

APPENDIX 1 – Consultation Questions

Consultation questions set out in Pillar One – Planning for development

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

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

[Yes / No]

2 (a). 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]

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

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

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.]

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?

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.]

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.]

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

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

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

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

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.]

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?

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.]

Consultation questions set out in Pillar Two - Planning for beautiful and sustainable places

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]

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.]

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.]

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.]

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

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

Consultation questions set out in Pillar Three – Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what come 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]

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.]

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.]

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. 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.]

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.]

Equality Impact 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?