

## APPENDIX

### Planning White Paper – summary of proposal and possible implications

Summary of proposal	Possible implications
<b>Pillar One – Planning for Development</b>	
<p><b>Proposal 1 – Local Plans to identify three types of land:</b></p> <p><u>Growth areas</u> - suitable for substantial development such as urban extensions, new settlements or key re-development sites. Site would have outline consent (see proposal 5)</p> <p><u>Renewal areas</u> - suitable for development such as existing built up areas suitable for small developments and infill. A statutory presumption is favour of development would apply here.</p> <p><u>Protected areas</u> – where development would be limited and subject to planning permission such as green belt, conservation areas, national parks and open countryside</p>	<p>The principle of classifying land is not new.</p> <p>The Local Plan already identifies; allocations for development where the principle of development for specified uses has been agreed, settlement boundaries for town and larger villages within which the principle of development is acceptable and areas of countryside/green belt/local green space etc. which are protected.</p> <p>What the White Paper seeks to achieve in this respect is to standardize and simplify the designations applied across England to enable better data analysis at a national level and improve transparency.</p> <p>The inclusion of the open countryside within the “protected” areas is to be welcomed.</p> <p>It is not clear if the same degree of protection would be given across areas protected for different reasons. For example, green belt has historically had stronger protection than the open countryside.</p> <p>(See proposal 5 for related comments)</p>
<p><b>Proposal 2 – Development management policies established at national scale and an altered role for Local Plans.</b></p> <p>Local Plan policies to focus on area or site specific requirements only supported by design codes and guidance. Neighbourhood plan would also provide design codes.</p>	<p>Are “machine readable policies” the first step towards computers determining simple applications?</p> <p>It is acknowledged that in some instances, Local Plan policies overlap with national policy. This would save time and simplify both plan preparation and consideration of applications.</p> <p>However, scope for local discretion for some policies should be allowed in order for Councils to address matters which may be corporate priorities.</p>

<p>Generic policies such as those relating to flood risk, heritage or retail would be provided at a national level.</p> <p>Policies will be “machine readable”</p> <p>Alternative options are allowing Council to adopt local policies in exceptional circumstances or simply ensuring that local policies do not duplicate national policy.</p>	<p>Whilst change to a zonal based system with clear cut “yes” or “no” policies would help to create certainty for developers and decision makers it would remove the subjectivity and judgement that developers as well as local authorities rely upon to “argue a case” for or against a particular development dependent upon the material considerations surrounding the circumstances of a particular case.</p>
<p><b>Proposal 3 - Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.</b></p> <p>An alternative option would be to make the tests for Local Plans to pass examination less onerous.</p> <p>More streamlined plan making - Sustainability Appraisals, Duty to Cooperate to be replaced. Less emphasis evidence to support deliverability of plan.</p> <p>Consideration to be given to the appropriate scale at which to prepare Local Plan with strategic issues.</p> <p>More focus on digital Local Plans</p>	<p>Streamlined requirements for preparing and passing examination Local Plans are welcome in principle.</p> <p>Little detail available at present to determine if replacement requirements are better.</p> <p>Risk that Local Plans are to be prepared at a higher level (future unitary or county level) in areas with cross boundary issues?</p> <p>Improved access to Local Plans and availability of digital data is a positive move.</p>
<p><b>Proposal 4 – A standard method for establishing housing requirement figures</b></p> <p>This would release more land where affordability is worst and take account of development constraints with a view to achieving the Government’s aspiration of developing 300,000 homes a year.</p> <p>Builds on current standard methodology with consideration of affordability, size of existing settlements and constraints such as green belt, flood risk and national parks.</p>	<p>This is a significant concern</p> <p>Binding requirements based on a national formula are unlikely to accurately reflect local constraints.</p> <p>Landscape, topography, infrastructure and the proximity to the national park are examples of constraints that warrant detailed consideration at a local level.</p>

<p>Differs from current system of identifying local housing need in that “it would be binding” to “drive greater land release”</p> <p>Five year housing land supply requirement abolished.</p> <p>Housing Delivery Test to be retained</p>	<p>Consideration of the size of existing settlements would appear to be predicated on a assumption that towns can continue to grow at the same rate based on past trends</p> <p>A binding housing requirement which does not reflect local constraints could lead to unsuitable sites being developed.</p> <p>This approach runs counter to the ethos of the Localism Act which scrapped regionally set requirements.</p> <p>Scrapping the 5 year housing land supply requirement is welcome as the Housing Delivery Test already proves an incentive to LPAs to boost supply.</p> <p>Alternative option for establishing housing requirements is preferable – i.e. local decision on housing numbers based on a standard method. However, the 5 year land supply regime would be retained.</p>
<p><b>Proposal 5 – outline approval granted within “growth” areas. Detailed permission then via either reformed reserved matters, Local Development Orders or Development Consent Order</b></p> <p>Renewal areas = “presumption in favour. Permission granted by; automatic consent for pre-specified forms of development (“fast-track to beauty”), full application (but faster process), or Local Development Order, Neighbourhood Development Order.</p> <p>Protected – development requires full permission and judged against NPPF policies.</p> <p>Means of allowing interested parties to raise concerns where the principle of development is already agreed is to be determined.</p>	<p>The “growth” designations have more teeth than current allocations as they grant outline consent. Higher stakes earlier in the process and even more contentious. Much greater detail and expense required to justify growth designations by Councils and developers. This may make the shortened timeframe for the preparation of Local Plan even more ambitious.</p> <p>Less opportunity for Councillors, residents and other consultees to engage with the process once areas have been designated for growth or renewal We know that historically is has been harder to encourage communities to engage in the plan making process than when an application has been submitted.</p> <p>Providing growth areas with automatic outline permission could reduce planning fee income</p>
<p><b>Proposal 6 – faster decisions and greater use of technology</b></p>	<p>Fewer applications determined by Councillors. Anti-democratic?</p>

<p>Firm deadlines for the determination of applications (13 or 8 weeks) – no more time extensions</p> <p>Machine readable data and new software which “will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making”</p> <p>Standardisation of supporting data</p> <p>Delegation of detailed planning decisions to officers where the principle of development has been established</p> <p>Automatic refunds if applications are determined late</p> <p><i>“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”</i></p>	<p>Aspiration to speed up decisions is welcome but it should not come at the expense of proper consideration of proposals. Removal of the option for time extensions will result in a return to applications which are found to be unacceptable on a point which can be easily rectified simply being refused in order to meet statutory timescales rather than agreeing an extension and achieving a positive outcome. This in turn means that the developer must either withdraw to avoid a refusal or resubmit an amended application or appeal following a refusal. This would result in lengthening the process and increase the costs to the developer for gaining an approval and mean that the LPA has to deal with more resubmitted applications which do not attract a planning fee.</p> <p>The beginning of automated planning decisions? Risk that decisions based solely on data may result in poor quality develop without the scope for human scrutiny?</p> <p>Automatic planning fee refunds for late decisions may lead to rushed decisions and poor quality development or more refusals and increase in appeals and resubmissions (see above).</p>
<p><b>Proposal 7 – interactive web based map standard for planning documents.</b></p> <p>Model templates for Local Plans</p> <p>Will enable a digital register of planning policies – more transparent, accessible and efficient.</p>	<p>The aim of this proposal is welcome. Further detailed required to determine full implications.</p>
<p><b>Proposal 8 – streamlined, more engaging plan making</b></p> <p>30 month deadline for local plans</p> <p>6 months – call for sites, public engagement of where development should go and what it should look like</p>	<p>Resourcing the development of a Local Plan within 30 months is a major concern. This issue is particularly acute within the Alliance which is responsible for 2 separate local plans.</p> <p>Currently where a site is allocated in plan, a promoter/developer does a minimal amount of work to promote the site for allocation. The new</p>

<p>12 months – prepare plan and produces evidence</p> <p>6 weeks – submit plan to SoS with statement on why the plan is appropriate and simultaneously publish plan for public engagement</p> <p>9 months – examination, inspector considers if 3 categories shown in the plan are “sustainable” and makes binding changes if necessary. People who submit comments have a right to be heard (face-face, video, phone or in writing)</p> <p>6 Weeks – Local Plan map, key and text are finalized and come into force</p> <p>Mandatory deadlines – 30 month from legislation being brought into force OR 42 months (if plan adopted with past 3 years or if it has been submitted to SoS)</p> <p>Plan reviews at least every 5 years or face intervention (this would be based on housing need and local issues)</p> <p>Alternative Options – no automatic right to be heard at examination OR no examinations (self assessment by LPAs with PINs auditing some each year</p>	<p>planning system requires the promoter/developer and/or Council to undertake a considerable amount of work (akin to that required for an outline permission application) to promote the site, the issues being:</p> <ul style="list-style-type: none"> <li>• High risk for developer/promoter as the outlay on project development provides no guarantee of a site’s allocation in the Local Plan. A promoter/developer would wish to see a site allocated before spending considerable sums in its planning.</li> <li>• Councils are expected to deliver a Local Plan in 30 months, masterplanning and consultation being front loaded, with details for allocated growth areas are required to be included in line with an outline permission. This raises a resourcing issue.</li> <li>• As the emphasis is on providing the detail required for each allocated site, additional engagement will be required from infrastructure providers. This is a significant pressure given that all LPAs are likely to be developing local plans on a similar timetable.</li> <li>• EIA (albeit in a simplified form) may identify the site constraints/issues and mitigation, but how does this get delivered in the timeframe proposed for the development of a local plan?</li> <li>• Many LPAs do not have the resources/expertise to masterplan. In past instances, LPAs have been criticised by PINS for piggybacking on developers’ process/masterplans. Councils may also not have the expertise to counter developers’ proposals.</li> </ul> <p>No opportunity for consultees to comment on a draft plan is likely to lead to a large increase in outstanding objections at the examination stage.</p> <p>The options presented to remove the right for objectors to appear at examination is a further erosion of public participation and likely to create a higher risk of challenge</p>
<p><b>Proposal 9 – retain neighbourhood plans with strong focus on digital data as with local plans.</b></p>	<p>This could undermine the aspirations for many neighbourhood plans if the classification of land into growth, renewal or protected areas is dealt with at the local plan level only. Would this leave neighbourhood plans to focus solely on design?</p>

<p>Explore scope for neighbourhood plans for smaller areas such as individual streets</p>	<p>Neighbourhood plans for smaller areas would increase the number of plans that Councils would need to support and should be accompanied by additional financial support from Government.</p> <p>The potential for multiple small scale neighbourhood plans across a settlement may also complicate the development plan which is the opposite of one of the aims of the White Paper – to simplify the planning system.</p>
<p><b>Proposal 10 – stronger emphasis on build out of permissions.</b></p> <p>Masterplans and design codes to support variety of building types (as recommended by the Letwin Review) to diversify supply and increase build out rates</p>	<p>Should the White Paper go further by introducing measures / incentives to encourage developers to implement permissions more quickly?</p>
<p><b>Pillar 2 - Planning for beautiful and sustainable places</b></p>	
<p><b>Proposal 11 – Design expectations to be more visual and predictable. Binding design codes and guidance.</b></p> <p>Local documents to take account of national design guide, national design code model and revised manual for streets</p> <p>Weight only given to local codes when input from the community has been demonstrated</p> <p>In the absence of local codes, the national guide will apply</p>	<p>Stronger emphasis on good design is a positive move provided LPAs are given the backing to insist on it.</p> <p>The extent to which members of the community will wish to engage in detailed design code for areas where the principle of development has already been established is unclear.</p>
<p><b>Proposal 12 – new national body established to support design codes. Each LPA to have a chief officer for design and place making</b></p> <p>New body to assist LPA with design codes could operate on a similar basis to Homes England or be based on existing design networks</p>	<p>Support in developing design codes will be essential so a designated national body is encouraged.</p> <p>The identification of chief officers will help to increase the profile of planning and the importance of good design at a corporate level.</p>

<p><b>Proposal 13 – embed design aspirations within Homes England</b></p> <p>The design and environmental objectives of Homes England will be strengthened</p>	<p>Welcome news</p>
<p><b>Proposal 14- fast track for beauty to incentivise and accelerate high quality development which reflects local character and preferences by :</b></p> <ul style="list-style-type: none"> <li>- Updating NPPF to provide strong support for schemes which accord with codes</li> <li>- In growth areas, require masterplans and site specific codes to be agreed as a condition of the permission in principle with is granted in the local plan – to be prepared by LPAs alongside or subsequent to preparing local plans</li> <li>- In renewal areas, amend PD to allow popular and “replicable designs”</li> </ul>	<p>The Government wants less subjectivity in planning but the definition of “beauty” is highly subjective. How is beauty defined? By who? It is a matter of judgment and opinion.</p> <p>Fast track development = no scope for making proposals even better</p> <p>Standardisation does not equate to good design. LPAs will need to make sure local design codes incorporate local distinctiveness to counter developer standardisation of design process.</p> <p>Difficult to resource design codes in parallel to preparation of local plans. However, if codes are left until after the adoption of local plans, this will delay development.</p> <p>Re-skilling of planning officers required to provide more emphasis on design?</p>
<p><b>Proposal 15 – update NPPF to support adaptation and mitigation of climate change and environmental benefits.</b></p> <p>Update to clarify 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</p>	<p>Further detail required but the principle of proposal is good.</p>
<p><b>Proposal 16 – quicker assessments of environmental impacts</b></p> <p>New regime for Sustainability Appraisal, Strategic Environmental Assessment and Environmental Impact Assessment</p>	<p>Further detail required but the principle of proposal is good.</p>

<p>Separate consultation in the autumn with more detail.</p>	
<p><b>Proposal 17 – protection of historic assets</b></p> <p>Local Plans to identify heritage assets <i>“as well as locally important features such as protected views”</i></p> <p>Update to NPPF to be more supportive of sympathetic change to support climate change.</p> <p>Better way of securing routine consents.</p>	<p>Greater national support for measures to address climate change in the historic environment is a positive move provided the correct safeguards to retain character / historic value.</p> <p>The protection of views should be treated with caution. It should be clarified that this should only be an option in exceptional circumstances or it may risk restrictive designations across swathes of otherwise suitable development land being made in neighbourhood plans.</p>
<p><b>Proposal 18 – improved energy efficiency standards to support net-zero by 2050</b></p> <p>Follow on from Future Homes Standard paper. More detail to be provided by Government in the Autumn</p> <p>From 2025, new homes to produce 75-80% less CO2. Homes to be zero carbon ready with no need for retrofitting</p> <p>More emphasis on monitoring and enforcement to ensure that high standards are met.</p>	<p>The Council should review further details of the proposed Future Homes Standard when Government releases further details in the Autumn.</p> <p>Is zero carbon by 2050 ambitious enough?</p> <p>Will LPAs be able to set more ambitious requirements or will they be set nationally as previously proposed?</p> <p>Should these be incorporated into the building regulations rather than planning and made mandatory?</p>
<p><b>Pillar Three - Planning for Infrastructure and Connected Places</b></p>	
<p><b>Proposal 19 – Community Infrastructure Levy and S106 agreements to reformed</b></p> <p>A new consolidated levy would replace CIL and S106.</p> <p>This would be based on a fixed-proportion of development value above threshold – nationally set. National rate or area specific rates (still set nationally).</p>	<p>The current CIL is based on the lowest common denominator so how would a nationally set tariff work in lower value areas?</p> <p>Concern whether sufficient funding would be collected to provide the necessary infrastructure in areas of lower development value. The Government should set out alternative means of infrastructure funding in areas with a housing requirement but no / low levy income. (e.g. new HIF)</p>



<p>Levied at the point of occupation rather than on approval (as with CIL) A value-based minimum threshold will be set below which the levy is not charged, to prevent low viability development becoming unviable</p> <p>Councils will be able to borrow against projected future income from the levy to enable infrastructure to be provided when needed.</p> <p>An alternative option is proposed to enable the levy to take taken up at the discretion of local authorities with rates set locally. However, <i>“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”</i></p>	<p>Government propose that the infrastructure levy is levied at the point of occupation rather than CIL which is levied on commencement. Would this still create cashflow issues for the developer?</p> <p>If S106s are removed, how do LPAs deal with other elements which S106 agreements are also currently used to regulate i.e. transfer of land, management of land/SuDs etc?</p> <p>More flexibility of spend once core infrastructure requirements are satisfied. Spending decisions may be politically contentious.</p> <p>The ability to borrow against future income is good in principle but carries a risk that projected income is not realized (e.g. in the event of a housing market crash).</p> <p>In two tier local authority areas, it is not clear which authority would be able to borrow against future levy income. Currently, only district/borough councils can charge the levy but significant infrastructure provision is delivered by the county. Where would the risk of borrowing lie?</p> <p>The alternative option proposed (discretionary levy uptake) is meaningless if S106 is still to be abolished. This would leave the Council with no means of supporting affordable housing or infrastructure.</p> <p>(For implications regarding affordable housing, please see Proposal 21)</p>
<p><b>Proposal 20 - The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights</b></p> <p>This would 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</p>	<p>This can be supported</p>

<p>Exemptions for self/custom build housing would remain</p> <p><b>Proposal 21 - the reformed Infrastructure Levy should deliver affordable housing provision</b></p> <p>No S106 for affordable housing. The levy would replace the current means of contributions.</p> <p>Aspiration to continue to deliver on-site affordable housing at current levels (around 50% currently nationally). This would be secured through in-kind delivery where required by an authority. The form and tenure of such housing could be set by the local authority working with a provider.</p> <p>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. This would provide an incentive for on site delivery as 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.</p> <p>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.</p> <p>In the event of a market fall, there could be scope to allow local 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.</p> <p>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.</p>	<p>We would need to ensure that delivery on site remains at the same level if not higher through new system. Concern about loss of affordable housing on smaller sites by raising thresholds. Thresholds have already been raised in previous reforms.</p> <p>In kind delivery on site? This would need to be made mandatory as few developers would want affordable housing on site.</p> <p>If financial contribution in form of levy was taken this would add additional pressure to local authorities/ registered providers to deliver on alternative sites. This might be challenging to implement, particularly with competition from developers to purchase sites in areas of high demand</p> <p>Ring-fencing for affordable housing is not mandatory. Difficult decisions to be made by the Council in setting funding priorities? (E.g. Affordable housing vs education vs health care...). Conflicting priorities may also arise between district/borough council and county councils.</p> <p>In -kind delivery would have to be agreed at planning stage to enable appropriate mix to be agreed. Proposal suggests that location on site would be at developers discretion which would inevitable lead to them being grouped together rather than mixed throughout the site.</p> <p>We generally require affordable housing to be built to the Nationally Described Space Standards and with a specific bedspace criteria. This is normally higher than what is built on the open market. The proposal could jeopardise the delivery of good quality affordable housing.</p> <p>Positive that cascade to financial contribution is included but this won't stop developers reducing the standard of affordable homes. Some national developers in high demand areas would rather have financial contributions</p>
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<p>An alternative option would be to 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 at a discounted price, broadly equivalent to build costs. The proportion would be set nationally</p>	<p>rather than on site provision. In Staffordshire Moorlands, on site seems to be a welcomed by developers given the uncertainty of the housing market.</p> <p>As with proposal 19, concern that the levy will not provide sufficient funding in low viability areas.</p> <p>Would local authorities have to agree FVA or agree development value? The Cost of having these independently assessed would be significant.</p>
<p><b>Proposal 22 - More freedom could be given to local authorities over how they spend the Infrastructure Levy</b></p> <p>As with CIL, up to 25% of income to be spent within neighbourhoods where it is raised.</p> <p>In addition to infrastructure and affordable housing, income could be spent on <i>“improving services or reducing council tax”</i></p> <p>Local authorities to consider ring fencing for affordable housing.</p> <p>Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing</p>	<p>Flexibility is fine in principle but may lead to difficult decisions being made in terms of priorities and possible conflict with the county council (see proposal 19)</p>
<p><b>Proposal 23 - a comprehensive resources and skills strategy for the planning sector will be rolled out to support the implementation of reforms</b></p> <p>Training, including on digitization of planning system.</p> <p>Planning fees continue to be set nationally but would support enforcement and the preparation of local plans/ design codes (currently funded by separate council budgets)</p> <p>Reform of regulations to bring them up to date and reduce costs for local authorities</p>	<p>This will be essential given the shift in emphasis to the preparation of, and application of, design codes in particular.</p> <p>Greater flexibility of the use of planning fees could be positive but local plans and design codes funded by developers may lead to public mistrust in the process.</p> <p>Regulatory reform is long over due. Covid-19 has already brought about more cost effective means of working which could be carried forward into future reforms e.g. less emphasis on the availability of paper copies of documents.</p>

<p>A new performance framework for improvements across all planning functions with early intervention if problems emerge with individual authorities.</p>	
<p><b>Proposal 24 – strengthen enforcement powers and sanctions</b></p> <p>More powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.</p> <p>Consideration of measures if the Environment Agency’s flood risk advice is not followed.</p>	<p>It is noted that there are no consultation questions relating to this proposal.</p> <p>Principle of stronger enforcement powers is to be welcomed. Concern regarding resourcing of this when emphasis within planning teams is always around meeting Government targets for applications. (See proposal 6)</p> <p>Proposal provides little detail.</p>