

Planning for the future

The Planning White Paper 2020

This is a summary of Planning for the Future, published by HM Government August 2020. Download the [full document](#).

Introduction

NB: The White paper states specifically that it “has not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation.”

This opening section contains a list of what the Government considers to be the failings of the current system, and a second list of the measures taken by the Government to improve it.

An inefficient, opaque process and poor outcomes...

- too complex:
- unpredictable, too difficult to engage with or understand, and favours the biggest players in the market who are best able to negotiate and navigate through the process.
- planning decisions are discretionary rather than rules-based
- takes too long to adopt a Local Plan:
- assessments of housing need, viability and environmental impacts are too complex and opaque:
- public have lost trust in planning decisions:
- based on 20th-century technology (eg notices on lampposts rather than digital communications)
- process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted, and unclear:
- insufficient focus on design, and little incentive for high quality new homes and places:
- does not lead to enough homes being built
- too often what we do build is low quality and considered ugly by local residents

Proposals:

1. Streamline planning process with more democracy taking place at plan making stage:

entire corpus of plan-making law in England to be replaced to achieve this:

Simplified role for Local Plans : Areas

Growth areas suitable for substantial development, where outline approval for development would be automatically secured for forms and types of development specified in the Plan; with identified sub-areas for self and custom-build homes

Renewal areas suitable for some development, such as gentle densification

Protected areas where development is restricted.

Local Plans – further details

- **state clear rules** rather than general policies for development
- **far greater public engagement in plan-making**
- **subject to a single statutory “sustainable development” test** abolishing the requirements for subsequent tests. Requirements for assessments to be updated (including on the environment and viability) and abolishing the Duty to Cooperate.
- **visual and map-based**, standardised, based on the latest digital technology, and supported by a new standard template

Statutory 30 month timetable for the production of local plans for local authorities and planning inspectorate, with sanctions on planning authorities that fall behind. Claim is that this reformed system could halve the time it takes to secure planning permission on larger sites identified in plans. (see BBC [Fact Check](#))

- strengthened enforcement powers and sanctions
- comprehensive resources and skills strategy for the planning sector to be developed to support the implementation of the reforms

2. Digital-first approach to modernise the planning process, moving from a process based on documents to a process driven by data

- **Digital tools for civic engagement** - Support local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making
- **Digital Planning** - Insist local plans are built on standardised, digitally consumable rules and data: interactive maps that show what can be built where
- **Supporting data** - Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions
- **Digital planning application process** - Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application
- Engage with the UK PropTech sector through a **PropTech Innovation Council**

3. New focus on design and sustainability

This section opens with some surprisingly vague promises, rather than a strong commitment to the legal 2050 net zero carbon target.

- **Climate and environment** - Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, “by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.”
- **Energy efficiency** - Facilitate ambitious improvements in the energy efficiency standards for buildings – (the Code for Sustainable Homes was withdrawn by Government in 2015)
- **Beauty and placemaking** - expecting new development to be beautiful, and to create a ‘net gain’ not just ‘no net harm’, with a greater focus on ‘placemaking’ and ‘the creation of beautiful places’ within the National Planning Policy Framework
- **Fast track for beauty** – quicker planning process for proposals for high-quality developments where they reflect local character and preferences.
- **Environmental Assessment** - quicker, simpler framework for assessing environmental impacts and enhancement opportunities
- **Local design guidance and codes** – rules for the design of new development – locally prepared, with community involvement
- **Design code delivery support body** - a new body to support the delivery of design codes in every part of the country
- **Chief officer for design and place-making** – for each local planning authority
- **Homes England’s strategic objectives** to give greater emphasis to delivering beautiful places.
- **Protection for historic areas and buildings** with consent regime fit for the 21st century.

4. Improve infrastructure delivery (reform of developer contributions)

- **Infrastructure levy** - CIL and developer contributions (S106 agreements) to be replaced with a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’. A single rate or varied rates could be set. It will be extended to cover new homes delivered through permitted development.)
- Use of levy funds...
 - Infrastructure
 - Affordable housing
 - Wider range of powers for local authorities to determine how the funds are used, including both new and existing communities

The planning white paper does not mention highway adoption agreements, adoption of SuDS and commuted sum payments, arrangements for SuDS.

5. Ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres

- **Housing requirements** - A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans
- **Faster delivery by more builders working simultaneously** - National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together.
- **Control of land** - consult on options for improving the data held on contractual arrangements used to control land
- **Public land and investment** - to support renewal and regeneration of town centres, and support SME and self-build sectors

Detailed proposals

Pillar One – Planning for Development

Local Plans should:

- be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Proposal 1: Areas

Growth areas “suitable for substantial development”

to include land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites.

Renewal areas “suitable for development”

existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted.

On the face of it, this may mean that renewal areas relates to specific sites, rather than the entire of an existing built area. But this is by no means clear; it would imply that other parts of the built area would be classed as “Protected”.

Protected Areas

Land where environmental and/or cultural characteristics, justify more stringent development controls to ensure sustainability. Eg Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk important areas of green space and areas of open countryside outside of land in Growth or Renewal areas. These to be defined nationally and locally.

“In Growth and Renewal areas, the key and accompanying text (in the local plan) would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development).

Areas could include sub-areas, such as areas for higher-density residential development, for high streets and town centres to be identified as distinct areas. Or areas to be made available self or custom-builders.

Alternative options

- combining Growth and renewal area as a single category, or
- limiting automatic permission in principle to land identified for substantial development (Growth areas); other land being controlled in ways determined by the planning authority

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

National Planning Policy Framework the primary source of policies for development management

Local development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included. No repletion of national policies in the local.

Design Guides and Codes to be created by Local planning authorities and neighbourhoods, covering local character and preferences about the form and appearance of development.

Automated screening of proposals - Wherever feasible, local plans etc to be suitable for use by digital services to enable automatic screening of development proposals, helping to identify where they align with policies and/or codes.

Alternative options – still enabling planning authorities to write general development management policies in plans, but restricting the scope

Proposal 3: Single Sustainable Development Test for Plans

“The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.” *If this statement is true, there should be plenty of sustainable development that has been achieved in England.*

Sustainability Appraisal system to be abolished and replaced with a develop a simplified process for assessing the environmental impact of plans discharging international law and treaty requirements.

Proposal 4: A standard method for establishing housing requirement figures

Having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- relative affordability
- extent of land constraints (eg national parks, AONB)
- opportunities to use brownfield land, and densification
- appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions

Alternative option – local decision

See separate consultation detailed at the end of this briefing sheet on matters including a revised standard method for establishing housing requirements, but it only goes as far as being based on population in a planning authority area, and affordability. It does not address land constraints, opportunities to use brownfield land or densification, etc.

Proposal 5: Outline and Detailed planning permission

Growth areas

Automatically 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.

Detailed planning permission to be secured in Growth Areas by....

- a reformed reserved matters process
- a local development order, linked to a master plan and design codes, or
- a Development Consent Order under the Nationally Significant Infrastructure Projects regime

Renewal Areas,

A general presumption in favour of development, with consent granted through...

- for pre-specified forms of development automatic consent under a "fast track to beauty process"
- faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework;
- a Local or Neighbourhood Development Order

Exceptions – through individual planning applications

Protected areas

Through individual planning applications

Proposal 6: Faster Decision-Making

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: Statutory timetable for Local authorities and the Planning Inspectorate to produce local plans

Stage 1 [6 months]: "calls for" suggestions for areas under the three categories, including comprehensive "best in class" ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan
Produces any necessary evidence to inform and justify the plan. "Higher-risk" authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.

Stage 3 [6 weeks]: Submission to secretary of state and Publication for public comment

Stage 4 [9 months]: A planning inspector appointed considers whether the three categories shown in the proposed Local Plan are "sustainable" as per the statutory test

Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

Proposal 9: Neighbourhood Plans retained

Exactly how these would work alongside the Areas designation, and the design codes, or Fast Track for Beauty is not made clear

Proposal 10: A stronger emphasis on build out through planning

Masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together

Pillar Two – Planning for beautiful and sustainable places

Frameworks for Quality

Documents include:

National Design Guide

National Model Design Code - setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England.¹³ It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.

Proposal 11: Design guidance and codes to be prepared locally with community involvement, codes to be more binding on decisions about development.

Produced in different ways including:

- by local planning authorities to supplement and add a visual dimension to their Local Plans;
- through the work of neighbourhood planning groups; or
- by applicants in bringing forward proposals for significant new areas of development.

Proposal 12: A new body to support the delivery of provably locally popular design codes. Each authority to have a chief officer for design and place-making.

Proposal 13: Consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Proposal 14: Fast-track for beauty through changes to national policy and legislation

NPPF to state that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

Growth areas: permission in principle will be subject to the creation of an agreed masterplan and site-specific code. The level of detail would be commensurate with scale of the site, from an initial set of simple 'co-ordinating codes' to more developed masterplans or codes as sites come forward.

Permitted development to be extended to cover "pattern book" approach allowing the pre-approval of popular and replicable designs through permitted development. This would be through a limited set of form-based development types that allow the redevelopment of existing residential buildings, enabling increased densities while maintaining visual harmony. Local orders could be used to tailor the standard designs to local areas based on local popularity.

Environment

Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development.

A promise to make all new streets tree-lined will be delivered, by setting clear expectations through the changes to the National Planning Policy Framework which will be consulted on in the autumn of 2020, and informed by the outcome of this summer's consultation on the England Tree Strategy.

Proposal 15: National Planning Policy Framework to target areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

"These measures, and reform of our policy framework, provide important opportunities to strengthen the way that environmental issues are considered through the planning system." *However the White Paper does not give any specific information or undertakings on climate change or how planning is to contribute to meeting the 2050 net zero target, such as the prevention of development in car dependent locations.*

Proposal 16: 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

Planning framework for listed buildings and conservation areas to be reviewed and updated.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Including the Future Homes Standard – with Zero Carbon ready homes from 2025.

Pillar Three – Planning for infrastructure and connected places

This section is about funding, rather than integrated land use, transport and infrastructure planning.

Planning obligations – in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. There is range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent.

Proposal 19: Infrastructure Levy charged as a fixed proportion of the development value above a threshold

S106 agreements would no longer be used to for developer contributions, but could be used for other purposes.

Infrastructure Levy would be a flat-rate, value-based charge, set nationally, at either a single rate, or at area-specific rates. It would be charged on the final value of a development (or an assessment of the sales value where the development is not sold (eg rental properties)

Infrastructure Levy Threshold below which the levy is not charged, to prevent low viability development becoming unviable. This would be based on an average per metre build cost, plus a notional amount for the value of land.

Local authorities could borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

Alternative option – Infrastructure levy set by individual authorities

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

Delivering Change

Innovation in Delivery – eg Development Corporations

Proposal 23: A comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms

Funding the planning system - The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer. Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. Some local planning activities should still be funded through general taxation given the public benefits from good planning. Time limited funding will be made available.

A New performance framework for planning authorities and the PI

Workforce planning and skills development, including training, are principally for the local government sector to lead on,

Minister-led PropTech Innovation Council (announced in November 2019)

Proposal 24: We will seek to strengthen enforcement powers and sanctions

As local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

What happens next

The Government intends to bring forward legislation. It has not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation.

Changes to the current planning system Consultation

Accompanying consultation [Weblink](#)

Standard method for assessing housing numbers in strategic plans

Step 1 - Setting the baseline – providing stability and certainty by incorporating a blend of household projections and stock baseline for the standard method should be whichever is the higher of 0.5% of existing housing stock in each local authority OR the latest projected average annual household growth over a 10-year period

Step 2 - Adjusting for market signals – maintaining price signals using the current affordability ratio and the change in affordability over the last 10 years

Affordability ratio: workplace-based median house price to median earnings ratio

$$\text{Adjustment Factor} = \left[\left(\frac{(\text{Local affordability ratio}_{t=0} - 4)}{4} \right) \times 0.25 \right] + \left[\left(\text{Local affordability ratio}_{t=0} - \text{Local affordability ratio}_{t=-10} \right) \times 0.25 \right]$$

+ 1

Where t = 0 is current year and t = -10 is 10 years back.

Delivering First Homes

A minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes.

The minimum discount for First Homes should be 30% from market price which will be set by an independent registered valuer

Supporting small and medium-sized developers

Developer Contributions proposal for a small sites exemption threshold of 40 or 50 homes

Extending permission in principle to cover major development

The Permission in Principle consent route has two stages:

1. “**Permission in Principle**” establishes whether a site is suitable in principle for development. This grant of Permission in Principle is for five years and no planning conditions can be attached to it
2. “**technical details consent**” stage is when the detailed development proposals are assessed, and conditions can be attached
- 3.

Government proposes to remove the restriction in the current Permission in Principle regulations on major development under which “major development” means development involving any one or more of the following—

- (a) the provision of dwellings where the number of houses to be provided is 10 or more;
- (b) the provision of a building or buildings where the floor space to be created is 1,000 square metres or more; or
- (c) development carried out on a site having an area of 1 hectare or more;

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