

Planning for the Future White Paper

POS consultation response

29 October 2020

Planning Officers Society

POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the communities' social, economic and environmental aspirations.

We operate in three main ways:

1. As a support network for planners in the public sector
2. As promoters of best practice in planning
3. As a think tank and lobbying organisation for excellence in planning practice

Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out these views to Government on the Planning for the Future White Paper (PWP) so we can plan together for a better future.

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1 Introduction

- 1.1 POS has structured its response as follows:
- 1 Our view on the case for change
 - 2 Comments on the four main sections in the PWP:
 - a Pillar one: Planning for development
 - b Pillar two: Planning for beautiful and sustainable places
 - c Pillar three: Planning for infrastructure and connected places
 - d Delivering change
 - 3 Whether the proposals meet Government's own objectives
- 1.2 It is hoped that these comments are helpful. POS is ready to work with Government to improve the planning system to enable it to deliver its key aim of sustainable development and achieve society's social, economic and environmental aspirations.

Overarching concerns

- 1.3 POS is concerned that the disparity across regions in England and how planning can help tackle this has not been articulated in the PWP. In order to deliver the Government's "levelling-up" agenda, POS believes that a clearer national framework is needed, one that has specific strategic policy initiatives coupled with the allocation of resources to deliver those initiatives. Additionally, the PWP fails to consider development in areas of low demand where providing housing is uneconomic due to remediation costs and/or low sales values. This fails to take account of the real difference housing led regeneration can make to these communities in terms of "place shaping".
- 1.4 A major omission is any reference to London and its unique planning arrangements, with a directly elected Mayor with responsibility to produce a spatial development strategy and development management powers for strategic applications. There is also no reference to strategic planning for the wider London city region.
- 1.5 It would have been preferable if this PWP could have been published at the same time as that dealing with Recovery and Devolution. This would have allowed these issues to be discussed in parallel with the new institutional arrangements for strategic planning outside Greater London. It may well be that the issues around strategic planning mentioned in the PWP will have to be revisited when proposals for the future shape of the authorities that will be implementing them are brought forward.
- 1.6 It is also a serious deficiency of the PWP that it gives no consideration to minerals and waste planning. It is far from clear how planning for mineral extraction and waste facilities could fit in with the concepts of growth, renewal and protection areas. The POS Minerals and Waste Network will submit a detailed response on this aspect.

2 Has the case for radical change been made?

- 2.1 The introduction to the PWP sets out a range of criticisms of the current planning system. We agree that the regime has become over-complex, plans can take too long to prepare, assessments of housing need and environmental impacts have become too complex and opaque, the process for negotiation of developer contributions has become protracted and unclear, and a proper focus on design has only recently been revived.
- 2.2 However, POS challenges where is the evidence that the system is so broken that it needs a fundamental rebuild?
- In the last decade local planning authorities have granted consents for 2.5M homes, yet only 1.5M have been built.
 - In 2019 (a record year) we granted consent for 371K homes, yet developers still only delivered 241K homes.
 - We grant around 90% of all planning applications – often the time taken to deal with applications is spent negotiating away problems so we can grant consent, as we are required to do by the NPPF.
 - According to the consultation on changes to planning policy and regulations (Changes to the current planning system) “Since 2010 the Government has introduced planning reforms to improve the current system. In 2010 only 17% of local planning authorities had local plans in place and now 91% of local planning authorities have plans.” yet the PWP states that only 50 per cent of local planning authorities (as of June 2020) do – this latter figure relates to post-2012 NPPF plans. This period has seen significant difficulties in the planning system relating to planning for housing since the abolition of RSS in 2011, its replacement with the duty to cooperate and the recognition (in the PWP) that it doesn’t work. It is not surprising that performance dropped for local planning authorities given the difficult landscape they were operating in over the past decade.
- 2.3 POS is disappointed that the PWP does not acknowledge the many great examples of placemaking that the current planning system has delivered yet includes photographs of some of these but with no commentary or even titles in the Paper, just a list of image credits at the end of the document.
- 2.4 The PWP blames the housing crisis on the planning system: “the result of long-term and persisting undersupply is that housing is becoming increasingly expensive”. It should be axiomatic that Local Planning Authorities do not build homes and that it is not the fault of the planning system that the housing delivery industry do not convert planning permissions into houses and flats.

- 2.5 The PWP makes comparisons with the relative cost of housing in parts of Europe, but such comparisons ignore the different approaches in countries like Germany to the regulation of mortgages compared to the UK. The changes to Building Societies in late 70s/early 80s changed a naturally regulated market to a far more speculative one where buying a home became more of a financial investment and banking practices around mortgage lending fuelled house price inflation by hugely increasing the amount of mortgage money it was prepared to lend¹. It is illustrative that when house prices have fallen in the UK it has been in response to alterations in the willingness of banks to issue mortgages, generally in the context of a wider financial crisis.
- 2.6 The other significant factor in the current housing crisis is the changes to policy and fiscal investment in social housing over the last 50 years. From the introduction of right-to-buy by in the Housing Act 1980 through to the huge reduction in subsidies for affordable housing following the financial crash in 2007/8, the provision of housing for those who cannot access it through the market has fallen well below need. There is a helpful briefing paper published by the House of Commons in March 2020² which considers key trends in housing supply in the UK and goes on to focus on some of the key barriers and potential solutions to increasing supply in England. In particular page 19 shows a graph which highlights the decline of local authority housebuilding and how this has impacted on housing supply (table included in appendix 1). This clearly illustrates that since the mid-50s housebuilders have consistently produced around 150,000 homes a year and they have clearly demonstrated (by their actions rather than any rhetoric) that they are disinclined to do more. When the nation was building 300,000 homes a year, a significant proportion of that was by the public sector.
- 2.7 We are seeing a resurgence of public sector housebuilding³ and POS would argue that to significantly increase housing delivery, Government needs to focus on policies that make housebuilding attractive to local authorities and this should be considered as a key part of the anticipated Devolution White Paper.
- 2.8 POS does not argue that the existing system is perfect. In fact, we have lobbied, via our POS Manifesto programme⁴, for a myriad of changes to the system to improve its performance and effectiveness. What is not the case (and has not been demonstrated in the PWP) is that the system “is no longer fit for human habitation” and that “the whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again”. Reform yes, but wholesale demolition and rebuild is not only not required but will cause untold damage to our economy at a time when we need to rebuild it post-Covid-19. Any new system should retain the best elements of the current system. Large-scale change will inevitably cause disruption; whereas a pragmatic, incremental approach would keep this to a minimum while allowing time to learn from experience.

¹ Why can't you afford a home? Josh Ryan-Collins UCL

² <https://commonslibrary.parliament.uk/research-briefings/cbp-7671/>

³ <https://www.rtpi.org.uk/research/2017/june/local-authority-direct-provision-of-housing-i/> and <https://www.rtpi.org.uk/research/2019/july/local-authority-direct-delivery-of-housing-ii-continuation-research/>

⁴ <https://www.planningofficers.org.uk/pos-manifesto>

Aspects of the current system which should remain

- 2.9 Some specific comments need to be made on key aspects of the current system on which the PWP is either silent or does not adequately reflect experience at the coal face. In particular it addresses what might change but is not clear about the fact that key aspects of current plan preparation and decision making will continue to be integral to the system. Consequently, it gives the impression that there will be much less work to preparing plans than will in fact be the case.

Strategy in plan making

- 2.10 In plan-making under the present system it is established good practice to identify the issues and opportunities the plan needs to address, set out a vision for the area together with strategic objectives, and develop an overall strategy to shape the future of the area. Without clarity about these higher-level issues, any plan which seeks to go straight to site related proposals will not be soundly based, or capable of being demonstrated to be robust. These features will be just as important in any changed system as now, and the Government should make this clear as it develops its proposals further. The PWP is somewhat quiet on these aspects.
- 2.11 Any planning process is about making choices, which requires consideration of the real alternatives available to the local planning authority, and their appraisal. There is no mention of consideration of alternatives in the PWP, but it will still be an essential part of plan making to ensure that appropriate solutions are chosen. Developers will still wish to have their potential sites properly and fairly considered, and communities and individuals will still wish to be able to see the options available and express their preferences. Local plan Inspectors will need to be able to confirm whether the main elements that make up the plan amount to the right choices to deliver sustainable development.

Evidence

- 2.12 A large part of plan preparation involves the collection of evidence to inform the plan and assist in decision making about it. The PWP describes the burden of evidence as disproportionate, and in principle this is not challenged. The intention is expressed to simplify the process of environmental assessment, and this is supported in principle and we look forward to seeing the specific proposals. But other than that, there is nothing on how the evidence base might actually be slimmed or simplified.
- 2.13 Important decisions cannot be allowed to be made on the basis of unsubstantiated assumptions, opinion, or misinformation; they must be well founded. Given the wide range of matters which the NPPF requires plans to address, POS wonders how much practical scope there actually is to significantly reduce the burden of evidence. If the Government has ideas for how this might be achieved, we should be pleased to see and comment upon them.
- 2.14 At this time, it is not at all clear whether there can be a significant reduction in the amount of evidence required. Indeed, in the light of our comments below on Proposal 5 in relation to Growth Areas, there could be a big increase in the amount of evidence required, which would impact upon the workload for plan preparation and the time it takes to prepare them.

Issues other than housing

- 2.15 There is much within the PWP about the need for housing, but very little on the wide range of other matters which plans deal with. It gives little or no attention to the local economy, the interrelationship between development and infrastructure, the quality of life for local people, and important matters such as minerals and waste planning. This is in marked contrast to the NPPF, which sets out succinctly the very wide number of matters which plans are likely to need to address. Appendix 2 lists some, but not all of these by way of illustration.
- 2.16 Given that it has been judged to be in the public interest that local plans should address this range of issues, it is presumed that they will continue to need to do so in the future, albeit with a greater emphasis on their role in formulating the plan proposals than as topics to be addressed in their own right. The Government should remove uncertainty by making this clear in further developing its proposals.

Section 106 agreements

- 2.17 Being able to negotiate agreements to safeguard a wide range of matters is a vital aspect of the current system. Their main function is to mitigate against harmful impacts which would otherwise mean that planning permission should be refused. They can also be used to manage difficult enforcement issues and a range of other roles outside of the context of determining planning applications. The PWP seems to assume that s106 agreements relate only to infrastructure provision and can therefore be abolished with the introduction of the proposed consolidated Infrastructure Levy. However, legal agreements will still be required for mitigation measures other than infrastructure provision and the other functions they perform, and this should be clearly acknowledged.

3 Comments on the PWP's proposals

- 3.1 This section contains the views that POS has on the PWP and our response to the specific questions raised in the consultation.

Pillar One: Planning for development

Overview

- 3.2 The first four questions are not particularly aimed at an organisation like POS, a body representing planners in local planning authorities, so they have not been answered:

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

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

Question 2(a) If no, why not?

Question 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?

Question 4 What are your top three priorities for planning in your local area?

A new approach to plan-making

Proposal 1 The role of land use plans should be simplified. We propose 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.

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

- 3.3 There are advantages to making more use of a zoning-type approach in Local Plans. However, zoning is an implementation tool; countries that use it still have a process that sets the strategy that results in the zoning outcome. If identifying land for development and sites that should be protected and being clear about what development can take place in those different areas are the “how”, the function of planning is to answer the question, “why?” This is the process of developing and agreeing the vision that the land use rules are designed to deliver. The PWP potentially recognises this in its proposal for a “statement of reasons”, although it is not clear whether and how this will form part of a plan. The distinction between a plan and a zoning ordinance is clear in many other countries’ systems, but the PWP is unclear about where the planning aspect comes in.
- 3.4 Experience is that zoning-type systems are highly legalistic; they do not avoid disputes, but rather move them from the planning committee or appeal inquiry into the courts because of their more rigid nature. The apparent certainty it brings operates on both sides of the fence.
- 3.5 It should also not be assumed that zoning-based plans will be either shorter or less complex than current ones. What is proposed has a high degree of prescription and involve a considerable amount of up-front design work by the local planning authority. There is a risk and a real concern that some of that work could be abortive if the landowner wishes to approach the development of the site differently. The PWP approach seems to assume that there is a right and a wrong approach to each site and the plan just needs to prescribe the right approach. The reality is that there are often several right approaches. Not only does this waste resources in doing detailed design work that will not be used, but there is a real risk that such a system could stifle creativity. Some of our finest and best loved buildings were real challenges at the time of their development: St Paul’s Cathedral and the Houses of Parliament are probably two of the most notable examples. The art of town planning is to prescribe only what you need to and thereby allow the architect, the other designers and the developer the space to do their job well within the context of a clear spatial brief set out in the Development plan. POS is concerned that the PWP proposals could result in a shift from a presumption in favour of development in the plan to a presumption against development not in the plan? Such a shift could prove much more than semantics.

- 3.6 The discussion in the PWP under this proposal focuses on the assignment of land to one of the three categories of growth, renewal and protection areas. But it does not consider how that might be done. The world is complex, and so are cities and towns, so it is no surprise that the NPPF identifies so many matters which need to be considered in preparing plans. Local planning authorities will still need evidence about such matters and take them into account as appropriate to the area in making decisions of principle about where growth should take place. They will still need to consider valid alternatives. And they will still need to set out an overall strategy to set the framework for decisions on the three types of areas.
- 3.7 Moreover, the PWP appears to assume that once land has been assigned to one of the three categories of growth areas, renewal areas and protected areas, and development management policy has been transferred to the NPPF, there will be no need for local plans to address other matters.
- 3.8 However, in formulating their plans, planning authorities will still need to address all the relevant considerations that bear upon their decisions about whether land is suitable for development, and the form it should take. The NPPF sets out the matters to be considered and local planning authorities will still have to base their plans on clear evidence: for example, even with a national housing requirement methodology in place there will still be a need for a strategic housing market assessment to set out the need for different types of housing and a strategic housing land availability assessment to identify potential sites.
- 3.9 Most of the matters identified by the NPPF are not about development management policy, but are important matters of principle to be addressed by local plans, including (purely as examples) such matters as the proportion of affordable housing, density standards and their areas of operation, economic strategy, specific measures to encourage walking and cycling, and local parking standards. Such matters require the development of solutions which reflect local circumstances and are generally not capable of being dealt with by national development management policies. We return to this point in relation to Proposal 2.
- 3.10 It follows that there will continue to be a need for local plan policies on such matters, albeit perhaps expressed as rules rather than policies. This should be recognised and taken on board in further developing the PWP proposals.
- 3.11 Turning now to the practicalities of having just 3 categories of land in a local plan and having all policy provisions hanging off that structure. The reality is that in the existing metropolitan areas of our cities and large towns the main areas for significant growth are often in town centres around major transport interchanges. Such areas are a rich mix of historic assets, already successfully developed areas and opportunity areas for significant new development. All three categories will be found within a relatively compact area. It is hard to understand how the approach advocated in the PWP would operate in such areas. Very few places will neatly divide up into the three categories.

- 3.12 The category of protection area in particular is one that POS considers needs further consideration. It seems to include the myriad of protections in current plans: conservation areas, AONB, National Parks etc. But there are other areas that are largely protected from a policy point of view, open countryside being the most extensive example, but the PWP is less explicit on these. There is a concern that a general protection category will be a magnet for NIMBY campaigns to have their area so designated. It may prove better to stick with the existing set of protection policies and collectively they would form that protection category in plans. Each of those policy areas has its specific purpose and rationale which makes the criteria for choosing to put an area into a protection category (or more importantly not doing so) more transparent.
- 3.13 In summary, there is a real concern that what is proposed under Proposal 1 is not “simplification”. In practice it will simply move much of the detailed work currently done in handling planning applications to the plan-making stage. POS questions whether that is always going to be the right time to do that work. This work will be done by the local planning authority and potentially at a time where a developer is not on the scene. This detailed work is very likely to prove abortive if the local planning authority’s decisions on how the area should be developed are different to what the developer wishes to do. These decisions are not binary, and they are time contingent. Little purpose is served in doing detailed design work (ie a Design Code) at a stage where strategic decisions about land use and development distribution are what is needed.

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

Question 6 Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

- 3.14 POS agrees with the principle that merely repeating policies serves no real purpose, however there are some important issues that need to be carefully considered.
- 3.15 The usual reason why local planning authorities repeat policies from the NPPF in local plans is that a policy in a local plan has section 38(6) status and decisions must be taken in accordance with them unless there are good planning reasons to do otherwise. Policies in the NPPF do not have that status. They are a strong material consideration but legally their importance in decision making is below that of adopted development plan policies. Therefore, it is important that any suite of DM policies in a future NPPF carry the same status in decision making as the equivalent policy in a local plan.
- 3.16 It will be important that any suite of DM policies in a future NPPF are clearly identifiable and not buried in the general narrative. This could either be achieved by differentiating them as policies are in Local Plans, or by having them in a separate document or appendix. In fact, it would be beneficial to divide the NPPF into its three distinct roles: national planning policy, generic DM policies and procedural guidance (which is still in the document but could go into the PPG).
- 3.17 The PWP effectively assumes that all the local planning authority will need to deal with planning applications will be the assignment of sites to the three categories, master plans and Design Codes, and the NPPF development management policies. However, as noted above, many of the matters which the NPPF requires local plans to address are plan making matters, not development management policy. Suitable policies (or rules) will continue to be needed to deal properly with such matters and be taken into account in decision making on planning applications.
- 3.18 Moreover, there are some types of development management policy which are not suitable for national policy. We suggest that these fall into three broad types:
- 1 Policies which quantify requirements, such as the percentage of affordable housing, density levels, and parking standards.
 - 2 Policies which delineate the area over which a policy or requirement will apply. Examples are the definition of the extent of town centres and primary shopping areas, the areas where different density levels will be expected, and areas where tall buildings are appropriate.
 - 3 Policies to address particular circumstances which are specific to the particular area. Examples include matters such as caves in Nottingham, protection of views over the water meadows towards the historic core of Cambridge etc.

- 3.19 It is also questioned whether all matters which are in the nature of development management policies can be dealt with through single national policies, to apply everywhere in the country. There are rich differences in character between different areas which require approaches which respond to the local circumstances. The danger is that national policies will have to be so generalised that they will be of no practical use in dealing with actual proposals; or that inadvertently they will steer development in ways which are simply wrong when applied to specific local circumstances. The better solution is to accept that there should remain some flexibility to ensure that development management policies suit the local situation.
- 3.20 It will therefore be vital that local planning authority have flexibility to introduce local policies on local topics where this is justified. Local policies may be needed to explain how national policies will be applied in local circumstances, which makes their application easier, rather than more complicated. Local planning authorities cannot be prevented from including general development management policies in Local Plans as a national suite cannot cover every eventuality or every nuance. A blanket ban will result in plans that will be less clear and helpful to developers or the wider community.
- 3.21 The PWP also suggests that such local policies would need exceptional circumstances to necessitate a locally-defined approach; this is too high a bar. Such local policies would need to be necessary (thereby preventing mere duplication) and that test can readily be discharged by the Planning Inspectorate when such plans are examined.
- 3.22 POS understands that the national suite of “Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances” contained in Appendix A of Circular 11/95 Use of Conditions in Planning Permission was not repealed as part of the NPPF and PPG process⁵, however it is now woefully out of date. POS considers that there is a good case for a national set of conditions to run alongside a national suite of DM policies, one which takes account of the latest case law and passes the now statutory tests. A national set of s106 clauses could also be considered alongside a stronger promotion of the proforma main body agreement as produced by the Law Society.

⁵ <https://www.gov.uk/Government/publications/the-use-of-conditions-in-planning-permissions-circular-11-1995>

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

Question 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?

3.23 At this time there is little detail of what the proposed sustainable development test would involve. Accordingly, some questions are posed to assist the development of the proposals:

- Given the expressed intention to replace sustainability appraisal by a simplified environmental impact assessment, how can a plan be tested for the economic and social pillars of sustainability if there is no appraisal process for them?
- It is proposed that the testing of sustainable development should be against the policies of the NPPF. But the NPPF does not address all the aspects of sustainability, so how can this work? As an example, reducing the need to travel is a familiar sustainability objective, but it is not mentioned in the NPPF.
- If the present “positively prepared” test is to be abolished, will there be no testing of whether the plan meets the mandatory housing requirement?
- Will the demise of the “justified” test mean there will be no consideration of whether the plan represents a suitable strategy, that it is supported by evidence, and that reasonable alternatives have been considered?
- How will the deliverability aspect of the “effective” test be incorporated into the new sustainable development test?
- Is it really intended that in abolishing the “national policy” test, the Inspector will be precluded from considering whether the plan conforms with national policy?
- What will happen if the Inspector concludes that additional housing sites are needed to fully meet the mandatory housing requirement, or that a proposed site should be removed from the plan and replaced? How will the additional site(s) be identified if there is no testing of how the plan has considered alternative sites (the justified” test)?

3.24 Questions such as these will need to be fully resolved before making any significant change to the examination process.

3.25 An alternative approach to the soundness test is mooted in the PWP, which is to include reserve sites in plans. It is far from clear how this could work with the three categories. They could not be growth areas with outline planning permission, nor could they be subject to a presumption in favour of development as renewal areas, and they would certainly not be protected areas.

3.26 It is not just local plans which deliver on sustainability and on the climate change agendas. A Local Plan should be a spatial interpretation of a corporate plan which in turn should sit within a national plan. Without an overall strategy on climate change, local plans will lack the direction they need to deliver effectively in this area.

Question 7(b) How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

- 3.27 The proposal to abolish the duty to cooperate without having a replacement in mind is one of the most significant gaps in the PWP. There do need to be robust arrangements in place to deal with issues like strategic infrastructure, waste, new settlements and urban extensions, major development sites straddling boundaries and planning for sectors like logistics that cannot be sensibly dealt with solely locally.
- 3.28 Working on a sub-regional basis with strong links to neighbouring sub regions has worked effectively. Government could help by providing funding for these kinds of arrangements. More widely, if London and the south-east of England are expected to provide more than half of the Government's 300,000 pa housing target there will be a need for some inter-regional arrangements to ensure this can be delivered sustainably and that planning authorities are supported in developing new-style plans.
- 3.29 One way of addressing the cross-boundary issue would be to allow scope for groups of authorities to prepare non-statutory spatial frameworks that will help provide the context for local plans and encourage joint working. These frameworks could, for example, allow authorities along corridors crossing administrative boundaries (perhaps alongside strategic infrastructure) to work and plan together for issues of shared concern.
- 3.30 The Duty to Cooperate may not be ideal, but without an alternative to planning for strategic development across and between functional areas such as Housing Market Areas, the Government will not meet its housebuilding aims. Too many local planning authorities are constrained, either through being urban and not having enough land to meet their own housing needs, or environmentally.
- 3.31 The paper produced by Catriona Riddell on behalf of the County Councils Network titled, Planning Reforms and the Role of Strategic Planning⁶ sets out a way to deliver new strategic planning arrangements that will support the PWP's ambition for sustainable growth and could be implemented in the context of the current or changing local Government administrative landscape. POS supports the recommendations in that paper.

⁶ <https://www.countycouncilsnetwork.org.uk/wp-content/uploads/Catriona-Riddell-Planning-Reforms-the-Role-of-Strategic-Planning.pdf>

Proposal 4: standard method for establishing housing requirement figures which ensures 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.

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

3.32 POS is supportive in principle of the provision of a standard method for assessing housing need to inform plan-making. This will save local planning authorities time and expense. However, any approach has to be credible. Please see our response to the Changes to the current planning system⁷ for our views on the proposed standard method for assessing housing need.

3.33 It has been suggested that binding requirements would be set through the use of an algorithm, which would factor in considerations such as the extent of land constraints, the scope to use brownfield land, and the needs for other types of development.

3.34 It is seriously questioned whether, without considerable work to address local circumstances, an algorithm could be made sufficiently robust as to work. A whole series of questions arise, which would need to be resolved in designing an algorithm, or any other methodology for that matter:

- How would the land requirement for types of development other than housing be quantified, without substantial evidence and work to assess targets or needs?
- How would local planning authorities with very tight boundaries be dealt with, such as Birmingham, Bristol, Liverpool and Newcastle? Such local planning authorities have very little opportunity land to meet housing and other needs.
- What would happen where the consideration of constraints led to the requirement being set substantially below the “raw” standard method need figure? Would that element of the national requirement be simply lost, or would it need to be transferred to adjoining authorities with more land potential? If the latter, what would be the mechanism to deal with this?
- Where a local planning authority believed it had strong reasons to be able to set a higher requirement figure, would they be prevented from doing so? If it would be allowed, how would this work?
- How would the potential from brownfield development and densification be addressed without consideration of the particular local circumstances? As an example, in some areas, the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered.
- Since the Green Belt is listed as one of the constraints to be taken into account, is there a presumption that there would be no release of land from the Green

⁷ <https://www.planningofficers.org.uk/uploads/news/changes-to-the-current-planning-system--pos-response-1-10-2020-.pdf>

Belt? Or, since the PWP says that Green Belt policy will continue unchanged, will there still be the potential for Green Belt boundaries to be changed where exceptional circumstances are demonstrated? Will the Government decide where there should be Green Belt releases?

- Why is flood risk treated as if it is an absolute constraint? In areas with no or very limited alternatives, suitable measures can be taken to prevent or mitigate the risk of flooding, as provided for in the NPPF sequential approach.
- Where an authority produced robust evidence that the binding target could not be met, and the local plan Inspector concluded this was valid, what would happen?
- If binding targets are to be set, what testing will there be of the methodology and its application to individual local planning authority areas? Would there not be the prospect of local planning authorities or others resorting to legal challenge where they considered the basis on which the requirement was set was flawed?
- Given the proposal that the 5-year land supply requirement would be discontinued, how could it be assessed whether a draft plan would deliver sufficient housing in the short term?

3.35 It is contended that to be able to set binding targets which would stand up to scrutiny, the Government could not safely seek to depend on an algorithm – there are too many factors where locally specific assumptions would need to be made. We are therefore opposed to any approach which seeks to depend upon a formula or algorithm.

3.36 To set defensible targets, the Government would need there to be a sub-regional planning mechanism in place which would assess the requirements and potential capacity for all kinds of development for local planning authorities or groups of local planning authorities and put forward requirement figures for them. Or, in the absence of such mechanisms, it would itself need to commission sub-region-based studies to do so. These would have to deliver their outputs before material progress could be made on the local plans for those areas.

Question 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?

3.37 Having considered the “policy off” figures (as undertaken by Lichfields) the approach produces what appear to be flawed housing numbers, particularly having had regard to paragraph 14b of the consultation which states that part of the purpose of the approach is to ‘Achieve a better distribution of homes where homes are identified in more high-demand areas and in emerging demand areas across the country (such as the Northern Powerhouse)’ This doesn’t appear to be borne out when considering what the proposed methodology would mean for three of the core cities within the Northern Powerhouse as set out below.

- Leeds City Council’s average delivery over the past three years has been 2,845 homes per annum (hpa) whilst the proposed new method indicates a need for 2,387 hpa – a 16% reduction from that delivered

- Liverpool City Council’s average delivery over the past three years has been 2817 hpa whilst the proposed new method indicates a need for 1154 hpa – a 59% reduction from that delivered.
 - Manchester City Council’s average delivery over the past three years has been 2370 hpa whilst the proposed new method indicates a need for 1645 hpa - a 31% reduction from that delivered.
- 3.38 POS acknowledges that the new Standard Method would ultimately become a “policy on” approach under the proposals contained in the PWP. However, it is unclear as to what will form the basis for MHCLG to make those decisions or what factors will be considered. Whilst some considerations have been identified there are a significant number of matters that local planning authorities have to assess in order to derive their housing requirement figure. Some of these have been set out in our answer to the previous question. POS is concerned that undertaking such an approach on a piecemeal basis will have significant unintended consequences. If such an approach is to be pursued, then it needs to be done within the context of a clear vision and a national plan or at the very least a regional approach.
- 3.39 The proposed approach means that land will continue to be released in unaffordable locations and property hotspots. This will add to existing hot spots around the South East and do nothing to level up the current imbalance between the North and South of the country, but rather exacerbate it.
- 3.40 Housing markets, particularly those on the edge of cities, are very complex and house prices are affected by a number of different factors. POS sets out its view on the operation of housing markets in section 2 of this document “Has the case for radical change been made?”. For example, housebuilders will benchmark their sales prices against existing house prices within that local housing market area, mainly because the existing market will drive housing land prices. If those prices are already high, then it is questionable whether increasing the supply of land in that area would make any material difference to affordability. Housing land does not operate like a commodity and respond to the usual economic laws of supply and demand. There are some areas where prices will always be higher because they are close to city centres and jobs or have attractive countryside and environmental designations such as Area of Outstanding Natural Beauty Designations or National Parks or other amenities nearby. No matter how many homes are built in these areas (save that so many are built that they destroy the economic or environmental attractiveness of the area) demand will remain high and house prices will continue to remain high. Asking authorities to provide more homes in these areas will not address the issue.
- 3.41 In the last decade local planning authorities have permitted over 2.5m homes yet the house building industry have only delivered just over 1.5m homes. POS is of the view that this data demonstrates that land supply is not a barrier to delivering homes, including in areas such as London and the South East. The standard method as proposed would do nothing to address the core issue that it is housebuilders who determine whether to build or not. POS wonders whether these proposals are likely to result in 2030 in the statistics reading “3.5m homes have been granted planning permission in the last decade but still only 1.5m have been built” by an industry that has persistently built at that rate for the last half century!

- 3.42 In a market system it is understandable that, from a business perspective, housebuilders would not want to saturate the market or build when there is no demand to buy as a result of the cost of the product and the inability to secure the funding to purchase. Therefore, allocating even more land for housing would not result in more homes being built. The effects of seeking to rectify this issue through the proposed standard method when then having regard to demand within high-cost areas can be seen below:
- In the South East (excluding London) average delivery over the past three years has been 50,562 hpa whilst the proposed method indicates a figure of 81,427 hpa - an increase of 61% from that delivered.
 - London's average delivery over the past three years has been 35,815 hpa whilst the proposed method indicates a figure of 93,532 hpa - an increase of 161% from that delivered.
- 3.43 POS would strongly argue that instead Government needs to look at ways to decide on the distribution of housing both nationally and regionally within the context of economic investment and infrastructure delivery policies. Such an approach would identify where the growth, and the infrastructure and jobs needed to support it, is best placed in order to achieve a 'levelling up' and therefore how it relates to strategic investment across the country. Even taking potential Local Government Reform into account, there needs to be a national vision. This should incorporate other priorities, including supporting economic recovery, maximising opportunities for renewable energy provision, protection of valued landscapes, reducing pressure on areas subject to flooding and so on. This would provide a clear and informed approach for allocating preferred areas of the country in a way which meets international objectives including those set out in the United Nations Sustainable Development Goals, which the UK Government has previously signed up to. The baseline housing figure used within this policy approach should be a straightforward prediction of actual housing need (based on population growth, household formation and migration predictions) rather than the arbitrary 300,000 homes a year or any formula/algorithm that seeks to tackle affordability.
- 3.44 The lack of control for councils over delivery rates means that penalising councils and the communities they support when targets are not delivered on a backward-looking basis appears to demonstrate a fundamental refusal to acknowledge and address the reasons for this. Delivery is based on the business decisions of house builders. Local planning authorities don't build houses and local planning authorities cannot force anyone with planning permission to implement that permission. Nor can local planning authorities force anyone with a site allocated in a local plan to submit an application for its development. POS therefore cannot see how setting even higher targets will change these factors.

- 3.45 Government should consider introducing mechanisms to encourage delivery. Allowing council tax to be charged on unbuilt units or looking at a land value tax have all been suggested in recent years. POS has published a paper as part of our manifesto programme suggesting improvements to the Compulsory Purchase Order regime (Manifesto Background Paper 7⁸) that are designed to help Local Authorities tackle some aspects of the under delivery of homes. It is common ground in the sector that the CPO regime is complex and in need of reform. The paper introduces ideas to use CPO as a tool to tackle land banking or other reasons for failures in delivery, including suggesting simpler alternatives such as Compulsory Selling Orders, public body model or market model. These changes coupled with the increased appetite for Councils to build housing have the potential to provide a significant boost in housing delivery.
- 3.46 No reason is given for departing from the current requirement that plans should be prepared for a minimum period of 15 years. If the Government is minded to bring this change forward, it is urged to set out clearly its reasons for the proposed change, so that interested parties can respond. At this time the point needs to be made that a risk with a shorter plan period is that plans could become less strategic in nature, and more likely to be based on incrementalism.

⁸ <https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf>

A streamlined development management process with automatic planning permission for schemes in line with plans

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.

- 3.47 The proposals in the PWP move the planning system from a discretion based to a far more compliance and rule-based approach. Very few schemes ever comply with every policy and the benefit of the current system is the ability to balance issues to arrive at a decision. The idea of more certainty could in reality be a system that results in more refusals, as very rarely will a scheme tick every box. We would seriously question if that is what the sector wants or the country needs? Experience from elsewhere indicates that zoning can be inflexible, and that both time and resources are required to set up a satisfactory system initially and to allow for future change on an ongoing basis.
- 3.48 There is also a question as to who develops the Masterplan behind the outline consent for larger developments? POS firmly believes masterplanning should be done jointly by the local planning authority and the developer. A plan solely produced by a local planning authority may well prove to be abortive work if the developer wishes to approach the site differently and that approach is just as valid. The need to ensure that creativity and innovation still has a role in placemaking is vitally important and must be central to the design of any new system.
- 3.49 POS considers that more information is needed as to what is meant by “automatic outline permission” before it can meaningfully comment on this proposal. We can see how something more akin to a Permission in Principle in a local plan (as we now have with the Brownfield Register for housing sites) could operate but an outline planning permission is a very different animal with significant additional resource implications for the plan-making process.
- Question 9(a) Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?
- 3.50 The PWP proposes that on adoption of a local plan, growth areas would automatically receive outline planning permission. It does not address the fact that when dealing with an outline planning application, the local planning authority has to address all considerations which have a bearing on whether the principle of the development should be accepted, as part of their duty to consider the public interest in decision making.

- 3.51 The particular considerations will depend upon the circumstances of the site and the proposals. They may include matters such as the proportion of affordable housing, infrastructure requirements, greenspace requirements, the need to protect features on the site, measures needed to avoid adverse environmental impacts, measures to protect the amenity of adjoining properties, and matters requiring prior site investigation (such as land contamination or stability). The infrastructure necessary to support the development also has to be considered, including site specific issues such as public transport provision, highway access and network capacity. Statutory consultees play an important role in identifying measures required to be able to safely issue an outline permission.
- 3.52 It is stressed that these are not matters of detail which can be dealt with as reserved matters but need to be resolved upfront in making the decision of principle whether to grant outline permission. Such a permission deals with all such matters and there is no opportunity to revisit them at the reserved matters stage, which deals with matters of detail only.
- 3.53 The same would have to apply to the decision to grant outline permission through the local plan. The same kinds of matters would need to be investigated and resolved to properly address the public interest. Effectively, matters presently dealt with at outline planning application stage would be brought forward to be addressed at plan making stage.
- 3.54 The amount of work required by both the local planning authority and landowners or developers is likely to be considerable. As with an outline planning permission there will need to be cooperation and negotiation between them, to establish the form the outline permission should take to meet both their needs. Moreover, elected members and community groups, aware that there will be no further opportunity to address matters of principle at the time of a planning application, will be concerned to ensure that nothing of relevance is missed or inadequately addressed. This will increase the scrutiny which emerging proposals for growth areas will receive.
- 3.55 It follows that where a local plan puts forward substantial growth areas, considerably more work will be required than is currently the case in deciding whether to allocate land. That will impact significantly upon the resources and time needed to prepare the local plan. This point is returned to in relation to Proposal 8.
- 3.56 The Government therefore needs to take account of the fact that proposals for growth areas are likely to entail substantial additional work, cost and time in preparing local plans. That investment may be returned in time by reductions in work dealing with planning applications, but it will still bear upon the workload involved in preparing plans, and the time they take to prepare.

- 3.57 It is possible that developers will be willing to invest the necessary resources to provide evidence to the local planning authority to demonstrate that their site is suitable for the effective grant of outline planning permission. However, for a large site which raises a lot of issues, there could be very considerable cost involved. The question therefore arises of whether they will feel able to make such an investment, before they know that the local planning authority has made a firm decision that it wishes to make the site a growth area. That position would only be reached when the plan had reached quite an advanced stage. It is likely that sites with no developer involved, just a landowner, are far less likely to be willing to invest in this process.
- 3.58 Moreover, having in mind the proposal for a statutory timetable for plan preparation, local planning authorities may shy away from the amount of work and time necessary to enable larger sites to be brought forward as growth areas. Instead, they might prefer to keep things more manageable by relying on smaller sites. Or they might conclude that larger sites would be better treated as renewal areas, to avoid all the work of creating an outline permission. So, the use of the growth area category might be restricted to smaller sites, where the local planning authority was able to satisfy itself there were few matters of principle which needed to be resolved.
- 3.59 Outline planning permissions commonly include significant numbers of planning conditions which are necessary to set out how significant considerations need to be dealt with or resolved, and without which permission could not be safely granted. A mechanism will be required to bring the matters currently dealt with by conditions into the local plan. These could take the form of site-specific standards or requirements, or “rules” to use the language of the PWP; and their scope will necessarily go further than the matters cited in the PWP.
- 3.60 The PWP appears to assume that s106 agreements deal only with provision of infrastructure and can therefore be replaced by the proposed consolidated CIL. But s106 agreements are often used to deal with other matters where it is not appropriate to use a planning condition to mitigate an impact of the proposal and enable planning permission to be granted. Since a s106 agreement relates to the principle of development, it has to be entered into at the time the decision in principle is made. For an outline application it must be resolved at that time, and cannot be left for the reserved matters stage. The planning permission is only issued when the signed s106 agreement is in place.
- 3.61 Since the identification of growth areas in local plans is likely to require the preparation of s106 agreements, in further developing its proposals the Government will need to address how this can be dealt with. If the matter is not resolved, it would appear that any site for which it was established that a s106 agreement would be needed, could not be identified as a growth area.
- 3.62 In addition to the matters raised above, the further development of the proposals for growth areas will need to consider a number of practical questions which arise, including how biodiversity net gain will be addressed. A developers’ overall scheme will be required to be able to demonstrate that there are the means of securing net gain on site before outline permission is created via the Local Plan.

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

Renewal areas

- 3.63 The PWP proposes that renewal areas should be subject to “a general presumption in favour of development”. It is not clear what is meant by this. Is it intended to apply to any form of development? Because that could include development which could have a harmful impact in the area, eg a hot food take-away next to a school; or a use which planning policy seeks to steer towards particular areas, eg general industry. Or will it apply more narrowly, in the way that current local plans commonly contain a policy supporting residential development within existing settlement areas?
- 3.64 The discussion of renewal areas in the PWP does not go into much detail about what they might cover. It is assumed that to give developers and communities reasonable certainty about what might be permissible in a particular area, different types of renewal area will be identified for, by way of example, residential areas, town centres, and employment areas. The presumption would then apply only to conforming development.
- 3.65 Taking this further, rather than designate large parts of urban areas uniformly as residential renewal areas, with the same policy principles applying, it would seem desirable for local planning authorities to be able to have different types of residential renewal areas. This would enable plans to differentiate between the kind of approaches required for areas of very different built form and character. The ability to differentiate renewal areas would also enable particular areas of opportunity to be highlighted, as well as areas where there are distinctive local issues which need to be dealt with. The same would apply to employment areas, where it would be desirable to indicate particular areas of opportunity. It would certainly appear to be necessary within town centres, which commonly contain areas where redevelopment is desired alongside areas which are more stable and have high conservation value.
- 3.66 Looking beyond residential and employment areas within cities and towns, issues arise about other types of development. A range of questions and comments come to mind which would need to be resolved in further developing the proposals, including:
- How would the sites of community facilities such as hospitals, clinics, doctor’s surgeries, schools, community centres, leisure facilities, and local shopping centres (as against town centres) be dealt with?
 - What about infrastructure such as depots, pumping stations, gasholders?
 - Would they have to be individually delineated as renewal areas in their own right, or would they be washed over by the surrounding renewal areas, and dealt with as necessary by policy?
 - Would all villages where some redevelopment or infilling is deemed appropriate have to be delineated as renewal areas? Some current plans do not define boundaries for smaller villages but rely on criteria-based policies. To have to delineate a large number of new boundaries could lead to a lot of representations about where lines should be drawn, which would add considerably to the scale of plan examinations

- On the other hand, to put a village in open countryside in a protection area, but have policy which allowed for limited development, would send mixed messages and potentially cause confusion
- 3.67 The PWP (at paragraph 2.33) refers to pre-specified forms of development being subject to a new decision route which gives automatic consent if the scheme meets design and other prior approval requirements. This takes no account of the fact that local plans will continue to need to contain policy or rules for matters which are not capable of being dealt with by national development management policies, as noted above.
- 3.68 Moreover, within established urban areas the determination of planning applications often requires the consideration of matters other than design principles, normally referred to as material considerations. Some examples are the impact upon a conservation area or listed building, significant matters of amenity for neighbours such as over-shadowing, loss of community facilities, localised flooding issues, and possible land contamination. Such matters cannot be left to be dealt with as reserved matters, but need to be considered at the time of the decision on the principle of the development.
- 3.69 Given the fact that relevant policies will still be required, and material considerations will still arise, they will still need to be taken into account in decision making, so the proposal appears to be unworkable.
- 3.70 The point is made above that in dealing with biodiversity net gain, the local planning authority will need to see the developer's proposals before the creation of outline planning permission, to be able to confirm that on site provision to achieve net gain is achievable. The same issue will arise in relation to any mechanism intended to create a planning permission in a renewal area. This needs to be resolved before any legislation is brought forward.

Protected areas

- 3.71 The PWP says that development proposals in protected areas would be assessed against policies in the NPPF. But the NPPF identifies a wide range of matters which can only be addressed by the development of local policies to reflect the particular local circumstances, examples of which are listed in appendix 2. Where such a plan policy was relevant to a particular proposal in a protected area, it would still need to be taken into account. This would be particularly relevant in the case of a larger proposal in a protected area which offered benefits which could lead to the grant of approval.
- 3.72 The areas to be treated as protected areas are described as areas where their particular environmental characteristics would justify more stringent controls. Apart from designated areas, there is reference to areas of open countryside outside of growth or renewal areas. This needs to be explored further, because urban areas are often fringed by uses such as sports grounds, golf courses, waste handling facilities and other activities which do not have the character of open countryside. However, given the intention of the PWP to give further emphasis to development being plan led, it would appear necessary to include such land within protected areas, on the basis that it is not identified for growth or renewal.

- 3.73 An alternative would be to reserve protected area status for areas where there really is something which needs to be protected, and for plans to also be able to identify areas of land which is not assigned to either of the three categories in the PWP. In such areas there would be no presumption in favour of development, but neither would they be presented as being protected.
- 3.74 Issues also arise about parks, playing fields, amenity greenspace, school grounds and other greenspace within towns. Such areas are very important to community life and well-being, arguably more so following the Covid-19 experience, and will need to be retained. However, they are not covered by any of the designations listed in the PWP. The implication is that they would be included within renewal areas, but in such areas there will be a presumption in favour of development. This cannot be right and would send the opposite message to what is intended.
- 3.75 The implication of the points made here is that it would not actually be possible or sensible to try to force every scrap of land into one of the three categories. The logical solution would be to have at least one additional designation which does not carry a presumption either in favour of or against development, with such areas being subject to appropriate policies specific to them.
- 3.76 Finally, the PWP suggests that Conservation Areas would be included as protected areas. However, large parts of many town centres are covered by Conservation Areas, so key growth areas would be protected areas, which would be confusing and misleading. This needs further consideration.
- Question 9(c) Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
- 3.77 POS can see the benefits of using the comprehensive range of consents that a DCO covers, particular compulsory acquisition powers, where extensive new residential developments are proposed. We consider new settlements and major urban extensions particularly appropriate. However, because new residential development is such a key change to an area this power must be vested in and initiated by the local planning authority so that a democratic approach to these initiatives is retained. For this reason, we do not support these powers being available to the public sector alone.

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

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

- 3.78 POS agrees that speedier decisions and certainty is important, but most would agree that the most important outcome is to get the right decision. Inflexible deadlines can result in perverse outcomes such as more refusals because all issues have not yet been resolved. Any new system must get the balance right between the responsibilities on local planning authorities to determine applications swiftly but also on applicants to submit complete applications that respond properly to the local plan. Good quality pre-application engagement will be important in this context.
- 3.79 We welcome the intention and proposals to harness modern technology to speed the validation of applications, improve case management software, move to shorter and more standardised applications, improve planning registers, standardise planning decisions and developer contributions, improve planning notices, standardise technical supporting information and introduce national standard planning conditions. Provided such changes are well-designed in liaison with prospective users, there is considerable scope to both speed up and simplify processes and make planning information more readily accessible to the full range of potential users.
- 3.80 The benefits of improved digitisation can only be realised if the systems deployed are fit for purpose and comprehensively used. All applicants must be required to submit electronic applications, those without the technology can be assisted to do so. The Planning Portal should have a scanning service where people can send hard copy applications to them to be scanned and sent, through the Portal, to the local planning authority. There may be merit in creating a single planning application management system for use in England, provided it is fit for purpose, to avoid duplication of effort and procurement.
- 3.81 In any extension of digitisation, it is essential that the interests of client planning authorities and the communities they serve are paramount. All planning-related information should be available on an open source basis and clients need to be able to set binding standards for the industry, particularly to ensure consistency of service, security and privacy and long-term value for money.
- 3.82 In developing the ideas, it will be important to ensure that the full range of potential material planning considerations, reflected by but not restricted by the range of content of the NPPF, can continue to be addressed. Where a proposal raises a valid material planning consideration, the form of the local plan or the consent process should not prevent it from being given proper attention.

- 3.83 There has been speculation that these proposals might be developed in such a way that they would enable artificial intelligence to read development proposals, assess whether they conform with plans, codes, and the NPPF, and determine the application. It is considered that in the case of minor and straightforward applications there is substantial scope for artificial intelligence to carry out much of the appraisal process and point toward the likely decision. POS suggests such a possibility in its most recent Manifesto paper⁹. However, more complex applications commonly comply with some policies and conflict with others or raise issues which are particular to the specific proposal. In these circumstances a balancing exercise is required to come to a judgement on the merits of the application. It should be clearly recognised that artificial intelligence can assist in the processing of such applications and some initial assessment, but not replace the exercise of judgement.
- 3.84 The PWP proposes the delegation of decisions to planning officers where the principle of development has been established. The implication is that there will be a national scheme of delegation. The effects of this could be first, that elected members and people averse to development, knowing they will have little say at the planning application stage, will scrutinise local plan proposals more extensively to try to ensure that any possible adverse implications are resolved in the local plan. Whilst this is fine and appears to be Government's intention, it will clearly add significant time to plan preparation.
- 3.85 Second, at application stage there is likely to be forensic examination of compliance with master plans, Design Codes and any "rules", accompanied by representations to officers that proposals do not comply and must therefore be refused. Those will have to be worked through and properly responded to. So, it cannot be assumed that the work involved in dealing with applications, particularly where they are contentious, will necessarily be reduced. A move from a discretion/policy-based approach to a certainty/rule-based approach seems likely to be more contested and probably result in more refusals.
- 3.86 The possibility is mooted by the PWP that where a planning authority does not determine an application within the time limit, the application fee should automatically be refunded. This assumes that all the information needed to determine the application is provided at the time of application. The reality is that in many cases the local planning authority has to request information that was either not included or the observations of statutory consultees require. The local planning authority sometimes need to negotiate changes to an application to make it good enough to be approved. In all these cases much depends on how quickly the applicant responds. Local planning authorities should not be punished for the tardiness of applicants.
- 3.87 The PWP also proposes that where a decision is overturned at appeal, the application fee should be rebated. However, sometimes the reason for refusal is that the application has not provided information needed to be able to properly determine the application or has not amended the application to make it acceptable. In such cases, applicants commonly provide the missing information to the Inspector, or proposes changes to resolve concerns by the local planning authority, which then allows the grant of approval. It would be unfair where the failing was with the applicant, for the local planning authority to be penalised.

⁹ <https://www.planningofficers.org.uk/uploads/POS%20MBP10%20iDM%20draft.pdf>

- 3.88 In the context of pursuing better quality development, the proposed scenario of an automatic refund of the planning fee on a lost appeal is hardly going to encourage local planning authorities to pursue design arguments to appeal. Such arguments are often finely balanced, and this policy will discourage such matters being pursued and mean that Government's policy to improve the quality of design will not be delivered.
- 3.89 From a council budgeting perspective, this proposal will make it very hard to manage service budgets if income is received and then returned, especially on large schemes where the sums can be considerable. Councils, the development industry and Government agree that resources are a key issue for local planning authorities and this policy is hardly likely to assist.
- 3.90 The current system of unreasonableness as the test for costs has largely worked well and is sufficient to avoid matters going to appeal that properly should not.
- 3.91 As a final comment on this proposal, there is unfavourable comment in the introduction to the PWP about notices on lamp posts. Whilst supporting the intention to enable people to have a range of means of finding out about planning proposals, for many in the community the most reliable and straightforward way of becoming aware of an application will be to spot such a notice. Then, with that awareness, they can be enabled to more readily access the details and comment upon them. Removing the requirement to advertise some applications in local newspapers is long-overdue reform. Many areas no longer have a local newspaper and few people find out about applications from this means. London did a survey and calculated the average cost of this requirement as the equivalent of a principal planning officer (including on-costs) per borough per year. Since that survey was carried out the cost of such adverts has increased as the number of local newspapers has reduced and, in many places, there is a monopoly situation with just one paper in circulation.

A new interactive, web-based map standard for planning documents

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

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

- 3.92 The principle that plans should become much more visual and easier to read and use, and harness new and emerging technology, is supported in principle. What needs to be fully appreciated is that a considerable amount of development work will be required to produce workable systems which meet all the functions of local plans and their scope. Government must continue to lead and invest in this area.
- 3.93 POS cautions on a nationally prescribed template for local plans. We support its obvious benefits to the public, but it must not be so prescribed that it limits the proper expression of policies in a plan – the tail must not wag the dog.
- 3.94 Development activity would necessarily have to take place alongside the preparation of plans and demand extensive input by the same planning staff whose role it is to prepare the plan. It follows that whilst in the longer term the innovations should help speed up plan preparation; in the shorter term the overall work involved in preparing plans would be materially impacted.
- 3.95 It will also be important to ensure that the new models for plans will be accessible to all in the community, and not exclude people who do not have a computer or smart phone, for instance.
- 3.96 POS welcomes the move from a PDF world of non-readable data to an open source database approach. This has the power to unlock our data and make it a far more valuable and informative resource than it is now. It will be important for Government to ensure that the databases that local planning authorities rely upon (OS mapping being the most obvious one) are similarly available to us in a form that does not involve expensive licensing.

A streamlined, more engaging plan-making process

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.

Question 12 Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

- 3.97 The ambition for shorter plans, which can be produced more quickly, is welcomed in principle, as is the concept of focussing community engagement on the plan making stage, rather than when planning applications are made.

Front loading the planning system

- 3.98 A fundamental theme running through the PWP is a shift in the planning process from development management to plan making. The latter will front-load the process and the resulting plans will contain a far greater degree of certainty for developers. There will be outline planning permissions in growth areas and Design Codes and other tools to either grant consent for details or set out a very clear set of rules for what will get consent. All this represents a considerable amount of extra work at the plan-making stage. POS has already set out its concerns about whether this is the right time to do this work (and therefore make it potentially abortive) and how it is to be resourced. In the context of all this additional work it is hard to see how a 2.5 year timetable, including the examination time, is realistic.

Community engagement

- 3.99 POS considers that the proposals for community engagement within the proposed statutory process will not enhance community engagement but will drastically restrict it.
- 3.100 The proposal seeks to increase engagement at the formulation stage of the local plan, and specifically in the first stage of calling for suggestions for sites and areas under the three categories. That will enable people who have an interest, and representative bodies such as parish councils, to make representations on things they would like to see in the plan. In principle this is desirable.
- 3.101 However, the great majority of the population and representative bodies such as parish councils will not be seeking to promote development on particular sites. Rather, their interest in the plan will be to understand how it may affect them, and in particular how it may affect the area where they live. Therefore, the appropriate time for them to get involved is when there are actual proposals by the local planning authority to respond to.
- 3.102 Under the current plan making process the normal opportunity to see and comment on the emerging plan proposals is the draft plan stage. People can examine the proposals in the draft plan, to consider whether they may affect them, whether favourably or in a manner which they feel will harm their interests. They can submit their comments on the proposals, and have these considered by their elected members, who will decide whether to make changes to the plan before moving towards its submission under Regulation 19. This gives ordinary citizens a genuine opportunity to influence the plan, and elected members the occasion to consider the effect upon the people they represent.

- 3.103 Under the PWP proposals there would be no draft plan stage. Rather, having formulated the plan the local planning authority would submit it for examination, and at the same time publicise it for people and organisations to comment. Given that the period proposed from submission to the Inspector's decision on the plan is only six months, that would give the local planning authority, as the democratic body charged with preparing the plan, no practical opportunity to consider the comments received and decide whether it wished to make changes in the light of those comments.
- 3.104 There would be no opportunity for elected members to represent the interests of their electors by considering comments they make on the plan to decide whether they can improve it before submission. That function would be taken away from the local planning authority and passed to the Inspector, whose function would not be to consider the particular concerns of members of the public and communities, but to assess in a much more limited way whether the plan met the sustainability test. Whilst they would have the right to have their comments considered by the Inspector, ordinary people would not have the expertise to argue their position at examination hearings.
- 3.105 Thus, whereas the PWP has a stated aim to improve the opportunity for people to genuinely influence the plans for their areas, the proposed process would actually substantially reduce the scope for them to do so. Instead, the main opportunity to influence the content of plans would reside with landowners and developers, who would be able to use their resources to promote sites for inclusion in the plan; together with some interest groups, which would have the capacity to engage effectively in the examination.
- 3.106 What must be considered likely is that without the opportunity to comment on a draft plan, people and groups will take up the only opportunity available to them, which would be to make representations on the plan and have them considered by the Inspector. If large numbers of people did this, that would greatly extend the work of the Inspector, because with no stage for the local planning authority to consider and respond to such representations, the Inspector would have the full responsibility for doing so. This would impact significantly on the length of the examination process.
- 3.107 Having had limited opportunity to influence the local plan, people who were unhappy about particular proposals would hope to have their concerns heard at planning application stage. However, the PWP proposals taken together seek to shift decision making from the planning application stage to the plan making stage and reduce the scope of what can be considered where planning applications are required. People seeking to engage at that stage would find that they had little real opportunity to influence proposals which gave them concern.
- 3.108 The PWP suggests consultation will be in two stages but there is no opportunity to amend the plan after the second consultation. This means communities will be making comments directly to PINs. Local engagement is needed (arguably more so with the new system) not just formal consultation stages but throughout the process. It would be disingenuous to communities as their opportunities to be involved would be limited: stage 1 (where nothing is drafted) and stage 3 (after submission). It could be conceived that it will be too late for them to comment on a drafted plan. Local planning authorities will receive a lot of complaints about this and this does not manage communities' expectations, rather it frustrates them.

3.109 In the light of these observations we strongly oppose the proposed model for community engagement in plan making. Consultation on a draft plan, and consideration of the responses by the local planning authority, should remain a key part of the plan making system. Local planning authorities should have the opportunity to respond after the second consultation on the draft plan. This should be before submission so a local planning authority endorsed plan, that has been subject to consultation on its final form, is presented to the Planning Inspector for examination.

The timetable

3.110 These observations have made several points about the amount of work which will be involved in preparing plans. The PWP says that proposals will be brought forward for how the evidence requirements for plans will be reduced. This is certainly welcomed, and practitioners will look forward to seeing the Government's proposals.

3.111 However, there is some justified scepticism, because as these observations have pointed out, most of the matters covered by current local plans are likely to still need to be addressed, either in making decisions about what land should be identified as growth areas, renewal areas or protection areas; or as necessary supporting policy tailored to the circumstances of an area.

3.112 Moreover, where land is being considered for identification as growth areas, there will be substantial additional work to address all the considerations which need to be resolved before outline planning permission can be created. There will also be considerable additional work in preparing masterplans and Design Codes.

3.113 At the same time as dealing with these matters, local planning authorities will have to develop and adapt to the use of new and emerging technology, to change the way plans and evidence are presented and made accessible – desirable but with a resource and time cost.

3.114 It is also likely that despite changes to the tests of soundness, local plan examinations would actually take longer, because the Inspector would have to deal with representations on matters which under the present system, the local planning authority would deal with as comments on the draft plan.

3.115 Having in mind the point made above that it is essential that the draft plan stage is retained, that of itself will mean that plan making will take longer than the expected 30 months. When account is taken of the additional work which will be involved, the proposed timetable is demonstrably unrealistic.

The examination

3.116 POS supports a review of the current examination system to see whether it remains fit for purpose; there may be lighter touch approaches that are less demanding of time and resources. Any process must ensure credibility among stakeholders. It will be important to guard against them becoming lawyer-dominated like old-style plan inquiries.

3.117 POS suggests that the clock should stop at the examination submission as the timescale is effectively out of the local planning authorities' hands then. On a purely practical note, how is the Planning Inspectorate and others with key roles going to cope if all planning authorities start work on new-style local plans and follow the same timetable, seeking examination at the same time?

- 3.118 The 'alternative options' for this proposal (paragraphs 2.53 and 2.54 of the PWP) focus on reforming the examination process is worth examining further. POS is cautious about the 'right to be heard' being removed, as this would be at odds with the supposed community engagement objectives of the PWP, however it does follow the changes made in s78 appeals where that right is now lost and subject to decision by the Inspectorate on appeal method. POS in its Manifesto Paper, *Spatial Planning: simplifying the process*¹⁰, sets out how it would recommend reviewing the plan making process. We suggest splitting the plan into the strategic and the detailed elements and having different procedures for each. Our recommendations do not mean that the two elements have to be done separately in series but can, to a degree, be carried out in parallel. POS considers that the thinking behind our recommendations should be applied to any new system so that procedures are fit for purpose but are as efficient as possible.
- 3.119 Finally, it is important for Government to acknowledge and provide funding for local planning authorities to carry out the local plan process effectively so that meaningful community engagement can be carried out. There is an opportunity if these resources are in place to build on current community empowerment which has been fostered through Covid-19 with the creation of closer ties with communities.

¹⁰ <https://www.planningofficers.org.uk/uploads/POS%20MBP9%20Spatial%20Planning.pdf>

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

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

- 3.120 Yes. Since they were introduced in 2011, Neighbourhood Plans have become an established part of the UK planning system. They have enabled those living in designated areas to shape the future development of their area. As of September 2020, 2,716 areas had been designated, 1,217 plans have been submitted for Examination and 910 plans have been adopted¹¹. They have empowered town and parish councils and local communities to designate areas for growth and protection, to set local policies for development management and to set out design guidance for those developing in an area. They are required to be in generally conformity with the adopted local plan for an area and are subject to independent examination and a referendum.
- 3.121 Where local authorities have invested resources in supporting local communities, as in for example Herefordshire, there has been very wide take up. Of the 134 parishes in the Unitary Authority, 114 Neighbourhood Areas have been designated and 72 plans have been adopted with a further 10 awaiting a referendum due to the Covid-19 embargo. Sites for some 520 dwellings above the Local Plan target have been designated in towns and villages.
- 3.122 With the changes proposed for the planning system in the PWP it is considered important that Neighbourhood Plans are retained and retain the powers to designate areas (zones) for growth, renewal and protection, to set out local policies for development management and to prepare and adopt design guidance, provided that the requirement for general conformity and independent examination is retained. To remove the power to designate land and prepare design guidance will remove the incentive for parish and town councils and local communities to prepare plans. Preparing a plan requires a huge amount of community effort and effective local consultation so that the plan is supported at referendum. On average in England 32% of those on the electoral role turn out to vote in a neighbourhood plan referendum and on average over 90% vote “yes”¹².
- 3.123 Neighbourhood Plans are an important part of the local democratic process that enables local communities and elected politician to play a key role in shaping future development.

¹¹ Source: Planning Resource data on Neighbourhood Planning activity at <https://www.planningresource.co.uk/article/1212813/map-neighbourhood-plan-applications>

¹² Source – MHCLG data

Question 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?

- 3.124 There is considerable scope to improve and streamline the neighbourhood planning process. For example, local communities find preparing a neighbourhood plan challenging and the process could be assisted considerably if there were to be a standard package of mapping software that they could use for an affordable sum that would integrate with the local councils mapping software, and that would enable local policies to be integrated more easily into development management decision making.
- 3.125 In terms of design, our experience is that local communities are passionate about new development respecting the distinctive identity of local areas and this passion could be usefully channelled to preparing effective design guidance and codes. If local people feel that they have helped to shape the location and appearance of new development in their communities, they are more likely to support new development including new housing but also employment, retail, leisure etc.
- 3.126 Resourcing is a key issue for local planning authorities. As mentioned, for neighbourhood planning to be successful local planning authorities need to be properly resourced to support local communities as well as to undertake their important roles of plan making, development management, design and conservation etc. This requires significant additional resources.
- 3.127 Localities have done an excellent job supporting local community groups both with funding and access to good expertise from AECOM. This funding needs to be retained and increased if communities are to be further encouraged to prepare plans and design guidance.
- 3.128 Research by Reading University¹³ confirms that neighbourhood planning has been most active in rural areas and much less active in deprived urban neighbourhoods. For this issue to be tackled, greater resources are needed for local councils in these areas and sympathetic consultancy help for the community.
- 3.129 POS runs a successful Neighbourhood Planning Support Group for local authorities and would be pleased to further develop improvements to the system to make it more efficient and effective in meeting the Government's objectives.

¹³ <https://research.reading.ac.uk/neighbourhoodplanning/>

Proposal 10 A stronger emphasis on build out through planning.

Question 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?

- 3.130 Although there is no detail in the PWP to comment on, POS agrees with implementation of the Letwin Review conclusions and not just those referred to. In particular, greater powers for planning authorities with regard to masterplanning, acquisition and control over development of large sites. It is important to recognise that the rules for new local plans and Design Codes will have to allow enough flexibility to require the variety of housing products recommended by Letwin.
- 3.131 POS would urge that there needs to be a clear explanation of the powers to be employed for the division of sites. The proposal would need to pay attention to the spatial and sequential elements in the physical development of sites eg access, service provision, security, construction management issues and absorption rates which affects the completion rate on large sites.
- 3.132 The planning system provides few other tools for authorities to proactively drive delivery of development, completion notices are ineffective (and long overdue reform) and therefore not widely used. Unless incentives are put in place (eg taxing sites with unimplemented permissions or “use it or lose it” time limited consents) there is little authorities can do after permission is granted.
- 3.133 POS has drafted a paper which looks at how the CPO regime could be improved as a tool to enable local planning authorities to be more proactive in unlocking sites with housing potential to support the delivery of sustainable development¹⁴.

¹⁴ <https://www.planningofficers.org.uk/uploads/news/pos-mbp7-cpo.pdf>

Pillar Two: Planning for beautiful and sustainable places

Overview

- 3.134 As a body representing planners in local planning authorities, these two questions are not directed at us specifically, however we have provided some views.
- Question 15 What do you think about the design of new development that has happened recently in your area?
- Question 16 Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?
- 3.135 The built environment has lasting implications for those living and working in it that go beyond aesthetic design questions – important though these are. There is more to good design than aesthetics, and in any event “beauty” is an inherently subjective concept that will be extremely hard to define or express meaningfully in planning documents. A key priority must be ensuring the built environment makes its contribution to meeting the climate emergency – being suitable for the climatic changes that are happening now and mitigating the effect of future change. Doing this means addressing a whole range of issues including resource efficiency, carbon reduction, use of renewable energy and supporting sustainable transport options. It also means addressing the whole lifespan of a building. Other priorities include air quality, accessibility and inclusivity, community safety and sustainable construction.

Creating frameworks for quality

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

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

- 3.136 The term Design Codes has been used in the PWP without any clear explanation of what they are. Our experience of Design Codes is generally in the context of parameter-based outline applications for major developments (usually subject to EIA) where there is a need to discharge responsibilities (especially s66 and s72 duties with respect to listed building and conservation areas respectively) and to be confident that the resulting development would be of a high enough quality. The design code that is submitted with the application sets out how the subsequent details will be developed so that they both respond to context and are of a sufficiently high quality. We are responding to this consultation on the basis that Government sees Design Codes in the context of their broader proposals in a similar way.
- 3.137 POS supports the preparation of local Design Codes in principle but only when they add value to a site. POS does not agree that a local planning authority should be designing all allocated sites in detail, using Design Codes. They may work well for green field sites but work less well in complex urban areas? In some cases it seems that the PWP may be referring to Design Guides rather than Design Codes.
- 3.138 The amount of time, work and resources likely to be needed to develop codes that address the huge variety of urban and sensitive environments found in a single local planning authority meaningfully, should not be underestimated.
- 3.139 If they are to be useful to everyone involved in development, they are likely to have to be quite detailed and deal with what the PWP terms “development management policies”. Similarly, the scope for making codes “machine-readable” and act as decision making data for AI may be limited in practice given that many issues in planning (particularly in areas like design) are matters of judgement and interpretation which is beyond the scope of AI.
- 3.140 There also need for clarity about the formal status of Design Codes. POS considers that they should be adopted as SPG or its future equivalent.

- Proposal 12 To support the transition to a planning system which is more visual and rooted in local preferences and character, we 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.
- Question 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?
- 3.141 POS supports the setting up of a new body to assist on delivering good design and placemaking.
- 3.142 Placemaking should be at the heart of all corporate decisions. The Chief Planner is an important role in councils; not only in fulfilling the statutory planning function, but also in contributing to the placemaking and place leadership visionary work that is essential for successful growth. POS promotes the importance and value of Chief Planners within local authorities, but we do not dictate how the public sector should be organised and we are not advocating for chief planners to necessarily be on the management team of all Councils. The view of POS is that this decision is for public sector organisations to decide when considering their hierarchy and will depend on typology and size, amongst other considerations. For example, planning is likely to be a higher priority in district authorities, whereas children's services, adult social care and transport may be higher priorities in unitary authorities. We have set out this position in more detail in a paper issued in December 2019¹⁵. The proposed chief officer for design and place-making sounds very much like a chief planning officer, so our position on this proposal would be the same.

¹⁵ <https://www.planningofficers.org.uk/uploads/news/pos-chief-planner-paper.pdf>

Proposal 13 To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.

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

3.143 Yes. However, Homes England does not operate in London and therefore a similar approach would be expected with respect to the London Mayor, who broadly carries out Homes England functions in the Capital.

A fast-track for beauty

Proposal 14 We intend 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.

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

3.144 This proposal has three separate aspects, and these are considered in turn.

NPPF changes

3.145 This aspect of the proposal suggests that NPPF changes will enhance the s38(6) role of the primacy of the development plan in decision making. If this is what is proposed it is welcomed, subject to seeing the details.

Growth areas

3.146 Ensuring that a masterplan and site-specific codes are agreed where plans identify areas for significant development (growth areas) prior to detailed proposals coming forward, is welcomed. However, as set out in detail in the previous pillar, POS considers that the Government has underestimated the challenges involved in getting these elements in place and that in some circumstances (such as where a developer is not yet involved) such a level of detailed design work at the plan making stage would be premature and as consequence likely to be abortive.

Permitted development

3.147 The PWP promotes the concept of pattern books for particular areas which will reflect the local character. As a concept this is supported, because much of the dissatisfaction with new housing is that developers' standard house types are used with no regard to the local vernacular or the forms and styles of housing in the area.

3.148 While pattern books can deliver high quality neighbourhoods where there is a commitment to quality, they can also make for lowest common denominator development of areas, with monotony of form. It is highly challenging to create a pattern book that would be both sufficiently detailed but also enable sufficient flexibility to work in the way suggested in paragraph 3.20. Pattern books can stifle design innovation and create bland, uniform environments. Applying Design Codes where there is a rich tapestry of building types, styles and ages is extremely challenging?

3.149 The proposal for pre-approval of designs through permitted development misses the crucial point that development within an existing urban area commonly raises material considerations other than appearance. This is commented upon above in relation to Proposal 6. Considerable care needs to be taken to ensure that proposals for permitted development do not remove the means for material considerations which relate to existing residents' quality of life to be addressed.

- 3.150 Experience suggests, and Government research has found¹⁶, that the extension of permitted development rights does not make for high quality design. The most recent approach of Government to address this and expand the matters to be considered in a prior notification decision is welcomed, but two fundamental anomalies emerge:
- 1 The amount of work involved in those prior notification applications are indistinguishable from a normal planning application.
 - 2 The fee charged for such applications do not reflect the work involved.
- 3.151 It is becoming very difficult to see the benefits of having permitted development rights that can be refused because of their impact. It is frustrating and confusing for the public.
- 3.152 POS does consider that there is scope to extend local permitted development rights by converting residential extension guidelines and similar SPD into a form of LDO, but in a way that it much simpler to implement. We set this out in our most recent manifesto¹⁷.

¹⁶ <https://www.gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights>

¹⁷ <https://www.planningofficers.org.uk/uploads/POS%20MBP10%20iDM%20draft.pdf>

Effective stewardship and enhancement of our natural and historic environment

Proposal 15 We intend 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.

3.153 Planning has an important role in climate change adaptation and mitigation, including:

- in setting and enforcing standards for the location, design, layout and construction of new buildings to ensure they minimise their carbon footprint and that they can be used sustainably throughout their lifecycle;
- in ensuring buildings take account of likely climate change (eg flood risk, natural cooling, greening);
- in promoting a circular economy and sustainable management of waste; and
- in leveraging resources to make carbon savings through retrofitting older buildings.

3.154 There is an urgent need to meet the challenges of climate change and achieving carbon neutrality by 2050 must be seen as the long stop. Getting there sooner, if possible, must be the aim. There are places across the country where it can be clearly demonstrated that it is possible to go further faster without impacting on development viability, it is sensible to allow authorities to do so (and this is often welcomed by developers); London in particular has demonstrated this. Planning has shown the way in this field (remember the Merton Rule in 2003) and it is important that the proposed changes to the system do not inhibit this kind of policy innovation.

Proposal 16 We 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.

3.155 POS welcomes this review, but there are no details in the PWP. On the objectives for any new system, POS would add that data needs to be in open source format so it can be widely used. This may have been implied in the first bullet point, but it needs to be explicit.

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

- 3.156 POS welcomes the review of historic asset protection and the controls associated with them and looks forward to commenting on the proposals when they are published. Finding viable uses for historic buildings is generally key to their long-term preservation and an important part of this is sensitive adaptation to climate change. We welcome the recognition of the importance of heritage assets and support a pragmatic approach to ensuring they meet modern environmental standards while not compromising their historic importance.
- 3.157 The proposal to explore whether suitably experienced architectural specialists can have autonomy from routine listed building consents needs very careful consideration. This places a considerable burden on local planning authorities to police such a scheme. Given the importance of historic assets and their inherent irreplaceability, the cost-benefit analysis of such a scheme would need to be clear. This was proposed many years ago and Government decided not to progress it. Information on what has changed to reintroduce it would have been helpful.

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.

3.158 POS has already commented on the Future Homes Standard consultation¹⁸.

3.159 POS is concerned that the quote below (paragraph 3.35) suggests that local planning authorities will have more capacity as a result of the proposals in the PWP:

“As local planning authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement. Ensuring that planning standards and building regulations are met, whether for new homes or for retrofitting old homes, will help to ensure that we deliver homes that are fit for the future and cheaper to run.”

3.160 As we have already set out, the proposed reforms would require more resources in planning departments rather than less and additional skill sets will be needed. There would not be surplus capacity for enforcement or ensuring building regulations are met as suggested in the quote below. It is somewhat odd that Government seems to expect a planning service to enforce a separate legislative regime; the building regulations.

¹⁸ <https://www.planningofficers.org.uk/publications/consultation-responses-publication/pos-response-to-future-homes-standard-consultation>

Pillar Three: Planning for infrastructure and connected places

Overview

3.161 As a body representing planners in local planning authorities, this question is not directed at us specifically, however we have provided some views.

Question 21 When new development happens in your area, what is your priority for what comes with it?

3.162 Generally, our members will seek to identify the infrastructure that is necessary to support development and then actively plan for its funding and delivery. In doing this it is important that we have the tools we need which includes funding mechanisms like s106 and CIL as well as delivery and control mechanisms like s106 and planning conditions. It is important that Government recognises that the levy mechanism and the agreement mechanism are different tools, both of which perform a role in managing and delivering development. Levies are good at funding infrastructure, the need for which is generated by development generally. Agreements are good at dealing with infrastructure demands, the need for which is generated by specific developments or groups of development as well as securing obligations from the landowner for those elements that cannot be monetised.

3.163 The current system does need reform and POS has set out its recommendations for this in its Manifesto Background Paper 2, Infrastructure: funding it in a more effective way¹⁹.

¹⁹ <https://www.planningofficers.org.uk/uploads/POS%20MBP2%20Infrastructure.pdf>

A consolidated Infrastructure Levy

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.

Question 22(a) Should the Government replace the Community Infrastructure Levy and s106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

3.164 The PWP gives the impression that s106 agreements are used solely for securing infrastructure and can be abolished. However, they are also used to secure other matters for which the use of planning conditions would not be suitable and would therefore need to continue.

3.165 There is a superficial attraction in using taxation of development value as a means to fund infrastructure delivery, however on a closer examination it is fraught with significant difficulties:

- Whilst it may be relatively easy to value a housing development where all units are sold, this is rarely the case. In most developments there will be numerous (if not all) elements that are held by the freeholder and rent is charged for their use or leases are sold with other charges levied either annually or at other frequencies. Valuing such developments are no less fraught with difficulties than the residual approach and assessment of BLV that characterise the existing system. The proposals will merely swap one set of valuation/appraisal disputes for another.
- POS is surprised that Government are proposing to use development value as the base against which a tax is levied rather than use the uplift in development value. The proposed approach could mean that the levy (depending on its rate) could absorb all or even more than the uplift thus bringing into play issues of viability caused by the Levy. In the current system these issues emerge and are considered before the developer commits to carrying out the development. With the proposed system that risk is in the future and the cautiousness in the development industry means that developers are much more likely to not proceed with development if they have concerns that the Levy might absorb most, all of or more than the uplift in development value. This has a significant impact on how rates should be set which will be expanded upon in our answer to question 22(b).
- POS is also concerned that if determined at the end of the process an assessment of land value uplift would be fraught with difficulty. It would require valuation both at application stage and at completion in order to identify the uplift. Issues of valuer judgement, dispute, avoidance tactics etc are likely to make it even worse than the existing system.
- One of the problems with viability appraisals has been the tendency for developers to pay too much for land in the confident knowledge (under the 2012 NPPF) that they could recover that money in a subsequent viability argument. Following *Parkhurst Road Ltd v Secretary of State for Communities and Local Government*, that position has changed and the latest NPPF and PPG makes it clear that the price paid for land is not a relevant consideration

in financial appraisals. There is a risk with the proposed changes that we could create circumstances where restraint in land buying would be lost and there is no incentive to deliver a development value uplift if it is to be taxed at a high rate – where a low rate set against development value could represent a high rate in the context of the uplift in that value (ie development profit) in many areas and for many land uses. The other risk is that if a low rate was set on a ‘common denominator basis’, affordable housing and contributions from more viable schemes would be foregone. In reality POS suspects that both would happen, the loss of contributions and less viable schemes not being delivered.

- It must also be recognized that many areas cannot charge CIL due to viability concerns. Setting the rate locally will be important but the system as outlined could be extremely detrimental to the delivery of affordable housing in some areas.
- The other downside for the efficient delivery of infrastructure is the collection of the Levy after the completion of the development. The delivery of infrastructure to support the development not only has to be funded in advance of the development taking place (as now) but additionally there will be no certainty as to the amount of Levy that the development will pay. This latter new issue is likely to make forward funding of infrastructure too much of a risk for local planning authorities.
- Finally, the complete loss of s106 causes concerns for two reasons. Firstly, an agreement approach is better where the need for infrastructure is specific to a development (such as a strategic site). The proposals as set out in the PWP could result in the perverse situation where a development has to be refused because a matter cannot be mitigated or delivered (ie via a legal agreement if they no longer exist) because the Council either doesn't have the ability or funding to do so. Secondly, not all matters dealt with by s106 can be monetised and delivered through a Levy budget. Developers are required to perform actions or to carry out things in a required order (Grampian clauses). s106 is not only used in the context of planning permissions. s106 was the mechanism used to lawfully fund the Joint Planning Authorities Team that allowed the four London Boroughs to efficiently process the first planning permissions for the Olympic Park and associated development in a very short timescale. Other agreements (such as s278) are also necessary to secure through the grant of planning permission and it is unclear how these will be dealt with in the new system.

3.166 This is another area which would benefit from further discussion with practitioners with experience of operating CIL and s106, perhaps through the kind of expert commission the Government is establishing for design. There are clearly large areas of detail to be worked out to ensure a new system that can work and the experience of those who designed and implemented the CIL will be invaluable. The PWP refers to an alternative approach aiming to capture more land value than currently, with developers liable for paying the levy and the cost capitalised into land value. We would welcome further discussion about these ideas and others such as mechanisms linked to developers' profits exceeding an agreed level in cases where a non-policy compliant scheme is not secured.

Question 22(b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

- 3.167 The core proposal is for a mandatory nationally set rate or rates as a fixed proportion of the development value above a threshold.
- 3.168 The text reads as though the same rate would be levied for all development across the country. However, there are considerable differences in development viability between different uses, as demonstrated by CIL charging schedules where viability evidence has commonly led to substantial rates for retail and residential development, but low or zero rates for employment and other uses. Moreover, there are considerable differences in viability between different local authority areas. These are not simply regional variations: there can be big differences in viability between near neighbours or even within a single local planning authority area.
- 3.169 It follows that to apply a single national rate across the country, it would have to be set very low, to avoid rendering particular types of development wholly unviable, or making development generally unviable in some areas. This would certainly not meet the stated objective of increasing the overall yield nationally from a consolidated CIL compared to that from the present system.
- 3.170 A more differentiated system would clearly be necessary, which would need to have different rates for different types of development, and for different areas. Assuming that viability evidence would still be required as part of plan making, the evidence would be available to support such an approach.
- 3.171 It is disappointing that no modelling has been produced to justify the approach proposed by Government and to substantiate the claim that it will raise more than CIL/s106. POS is concerned that a nationally set rate (or even ones set locally) against development value will have unintended consequences for the reasons set out under our answer to question 22(a) particularly the first two bullet points. A rate set against the uplift in development value is much less sensitive to differences in development performance caused by locational or land use issues. Taxing the developer's profit is a better approach but potentially much more complex than existing approaches and is also more exposed to valuer subjectivity/avoidance issues.
- 3.172 POS is concerned that both approaches (development value and uplift in DV) carry other risks, again as expanded above. Therefore, in conclusion, if development value is the base then it is essential that both locational and land use variations to the rate is allowed for otherwise it risks rendering many developments unviable and not optimising the capturing of value uplift in other cases. Using the uplift in development value might resolve those issues but leaves others unresolved (ie local planning authorities forward funding infrastructure coupled with uncertainty over cash flow).

Timing

- 3.173 The PWP proposes that the levy would be payable at the point of occupation, rather than up-front, as is the case with CIL. For larger developments this would mean that the revenue could come substantially later, which would have a significant impact upon the flow of funds for infrastructure in the shorter term. However, there could also be benefit because the LA would share in increased values.

3.174 There are also issues about how the collecting authority would know when a development or part of it (eg individual houses on an estate) would come into occupation. Prevention of occupation would not be an effective sanction for non-payment if the development could already be occupied before that became known to the authority. Preventing innocent purchasers from occupying because of the sins of the developer is not a sensible enforcement strategy.

3.175 In designing the new mechanisms, it will be crucial to ensure that developers cannot evade their obligation to pay the levy through the fact that it would only be payable on completion. Examples which come to mind are that a developer might wind up the company which carried out a development, leaving the occupants of the development stuck with the liability. or never quite completing a housing scheme.

Question 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?

3.176 There are two principal concerns here:

- 1 Efficiency: any system should deliver investment in infrastructure, affordable housing and local communities in the best way possible. For example, getting affordable housing delivered on site with an RSL is not only cheaper than an off-site or payment approach, but also delivers other important policy aims (eg mixed and balanced communities); and
- 2 Effectiveness: any system should seek to optimise the funding of necessary infrastructure commensurate with not stopping development for genuine viability concerns.

3.177 Government needs to be clear what it is setting up. Is it a system that seeks to get infrastructure funded and delivered in as far as it is possible/viable, through the development system or is it setting up a development value taxation system? The former will be concerned with capturing sufficient funding, the latter with maximising funding capture.

Question 22(d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

3.178 Yes, but this is not a panacea that sorts out timely delivery of infrastructure. Government needs to consider more carefully the risks involved and not expect local planning authorities to expose themselves to the uncertainty of development proceeding, which exists in the current system, but also the uncertainty of future income, which is a feature on the proposed system that is far less of a risk in the existing system.

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

Question 23 Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

3.179 The existing CIL system should capture changes of use and other development that is permitted through permitted development rights. Therefore, the Infrastructure Levy should do the same; the way a development is authorised should not be a factor in whether it is liable for a levy. What is important is that in setting up the new system, there should be very few exceptions. If the Infrastructure Levy emerges as a modest tax on developer profit it is hard to understand the argument as to why some developers (eg self-builders, SMEs, RSLs or charities) should be able to keep all their profits and the wider community is expected to fund the infrastructure that is necessary to support those developments.

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

Question 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?

3.180 The amount of affordable housing that is currently provided in developments is a function of the objectively assessed housing need in that Council area (as established through the SHMA and the local plan process) and the ability of the development to support its provision. The former should be evidence based, and with the latter, the system should be set up to optimise the level of provision over time (eg the most recent national changes around viability). A taxation system can only support increasing affordable housing provision if the rate is increased over time. Such an approach is likely to be very unpopular as it has a direct impact (on developer's profits) whereas the current system seeks to share such costs (delivering/funding infrastructure and affordable housing) between developer profit and the land value.

Question 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?

3.181 POS is not convinced that the Infrastructure Levy is the best way of supporting delivery of affordable housing given that the priority is to deliver actual units rather than just pay money. We would suggest that a better approach would be for affordable housing requirements to be set through the zoning system (as with the New York City mandatory inclusive housing programme). This would avoid the complexities of the proposals in paragraphs 4.20-4.25 which are likely to make it harder to deliver the same amount of affordable housing as currently. Setting up a system that risks on-site provision also has a severe impact on other important policy initiatives, such as mixed and balanced communities.

Question 24(c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

3.182 Affordable housing delivery will be subject to issues of predictability and revenue profile set out earlier for infrastructure more generally. The proposals involve local authorities assuming greater risk which are unlikely to be addressed by "policy design". Borrowing or the suggestion that affordable units can be "flipped" in a falling market will militate against the objective of delivering more affordable housing. Of the options given, requiring that if the value secured through in-kind units is greater than the final levy liability, the developer has no right to reclaim overpayments would be preferred. This would give local authorities scope to set overpayments aside and use them as a funding cushion – but given the other pressures on Infrastructure Levy revenue, the scope for this may be doubtful. Avoiding having to sacrifice affordable housing will require an approach that makes developers bear more of the risk. In the existing approach this is accounted for in the higher developer returns compared with other asset classes, which the PPG acknowledges.

Question 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?

3.183 In the existing system affordable housing provision by a developer is through a Registered Landlord. Many developers have an arm that is a Registered Landlord. Being a Registered Landlord means that there is a body of legislation that controls the affordable housing provision that results, as well as the clauses that are now common features of s106 agreements. In-kind delivery needs the same procedural and legislative infrastructure to ensure that the quality and safeguarding of provision is maintained.

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

Question 25 Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

3.184 We support the proposal to give local authorities greater discretion about how the Infrastructure Levy should be spent, however it is important that it is ring-fenced for matters that relate to the delivery and support of development. However, for the reasons given earlier, we remain unconvinced that the Infrastructure Levy will raise enough revenue to cover the costs of affordable housing and infrastructure. There can therefore be no assumptions that it will also contribute to the costs of planning services and to fund neighbourhood projects. It would be imprudent to build expectations about Infrastructure Levy providing substantial resources for wider priorities.

Question 25(a) If yes, should an affordable housing 'ring-fence' be developed?

3.185 Without further details about how such a ring-fence would work it is difficult to comment. Currently there is a strong policy priority to meet housing need (including affordable housing) and the generally on-site provision that is made effectively ring-fences its provision. The new system must continue this priority and we look forward to working with Government on how this would be secured.

Delivering change

How we move into the new system

- 3.186 For a PWP there is a lack of detail as to the form of future Primary and Secondary legislation, and also how many of the ideas will be taken forward. It is noted that it is intended to undertake further consultation, and this is welcomed. However, the lack of detail and the further consultation must have an impact on the proposed legislative and implementation timetable.
- 3.187 POS has commented on the changes to the current planning system consultation²⁰.

Public assets and investment

- 3.188 POS notes and supports the intentions on making better use of surplus land owned by the public sector and levelling up public investment in development to support renewal of towns and cities across the country. POS also urges Government to look at powers²¹ to enable the public sector to leverage private land to deliver its planning objectives.

Supporting innovation in delivery

- 3.189 POS notes these intentions and looks forward to seeing Government's response to its 2019 consultation on these matters.

²⁰ <https://www.planningofficers.org.uk/uploads/news/changes-to-the-current-planning-system--pos-response-1-10-2020-.pdf>

²¹ <https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf> and <https://www.planningofficers.org.uk/uploads/POS%20MBP8%20LVC.pdf>

Making sure the system has the right people and skills

3.190 Under this heading there is one proposal:

Proposal 23 As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

- 3.191 It is now widely accepted that the planning system requires additional resources and capacity to deliver outcomes efficiently, effectively, and equitably. However, the planning system can only continue to deliver value and promote the Government's more ambitious development objectives if it is properly resourced. Any action by Government to address these issues must take into account both the budget setting cycles in councils and the time taken to not only recruit new staff but potentially develop new or expanded expertise in the market.
- 3.192 For the reason expanded upon under pillar 3, the idea that the Infrastructure Levy can provide much if any resource to fund local planning authorities is considered to be seriously misplaced and the PWP contains no modelling to demonstrate that it can.
- 3.193 A review of planning fees is long overdue. POS has responded to government on this previously and considers that fees for all planning application types (there should be no free categories such as a listed building consent) should be set at a level that provides cost recovery on average. PAS should have the data to calculate this. Local fee setting should be introduced where local planning authorities wish to provide an enhanced service.
- 3.194 POS supports the RTPI response to the Comprehensive Spending Review²² which sets out that around £500 million is needed over four years, which works out as an average of £370,000 per authority per year. This is likely an underestimate of what is needed given it is less than the 2003-2007 Planning Delivery Grant and the resourcing crisis for Local Planning Authorities is deeper now than in the early 2000s. However, it would certainly help to improve performance in some key areas.
- 3.195 The new system, as set out in the PWP, will require a significant range of additional skills, particularly around urban design and development economics. Urban design skills are far from well provided in local authorities and councils have struggled to deal in-house with viability issues over recent years.
- 3.196 POS fully supports Public Practice²³ and are very grateful for the work Finn Williams, Pooja Agrawal and their team have done to make available much needed resources in the public sector. However, it has been mostly London and local planning authorities in the south east who have benefitted. POS would urge MHCLG to support Public Practice in rolling out a national programme as we see this to be a key opportunity in preparing local planning authorities nationally to improve the delivery of better design through the planning process.

²² <https://www.rtpi.org.uk/press-releases/2020/october/provide-funding-certainty-for-planning-departments-rtpi-tells-Government/>

²³ <https://www.publicpractice.org.uk>

- 3.197 An important specialist area is engagement. Engaging people effectively can be challenging, and there are not always the skills and resources available to do it well. This is intricately connected with urban design and will require a specialist set of skills to engage people in code making. At the moment most engagement takes place with communities when the development is relatively close and relatively imminent, and they are accordingly motivated to get involved. A design code for a possible development that may be many years away presents a significant challenge to garner engage from a local community. A key challenge of the new system will be how to engage communities with development that is further down the line.
- 3.198 We also strongly support the suggested “deep dive regulatory review” to identify and eliminate outdated regulations. This could be extended to cover national guidance and administrative practices in central Government and its agencies (including the Planning Inspectorate).

Stronger enforcement

3.199 Under this heading there is one proposal:

Proposal 24 We will seek to strengthen enforcement powers and sanctions

3.200 POS would welcome a review of enforcement powers to make them more effective.

3.201 Whilst POS supports a robust approach to enforcement, it must be remembered that any planning system will be complex, and the public will make genuine mistakes. The existing balance between discretionary powers and criminality is about right, and we would advocate its continuation.

3.202 Given the views we have expressed in this response, we question whether local planning authorities will be “freed from many planning requirements through our reforms” and “will be able to focus more on enforcement across the planning system”. This clearly is not going to be the case in our view and resources for planning enforcement will need to be considered alongside other resourcing issues. There are changes that can be made to application fees for retrospective applications and the way underenforcement is legislated for that can increase the resources that an enforcement service can collect. We do not consider however that would be a complete solution.

3.203 We shall be pleased to work with Government as it develops its proposals around enforcement.

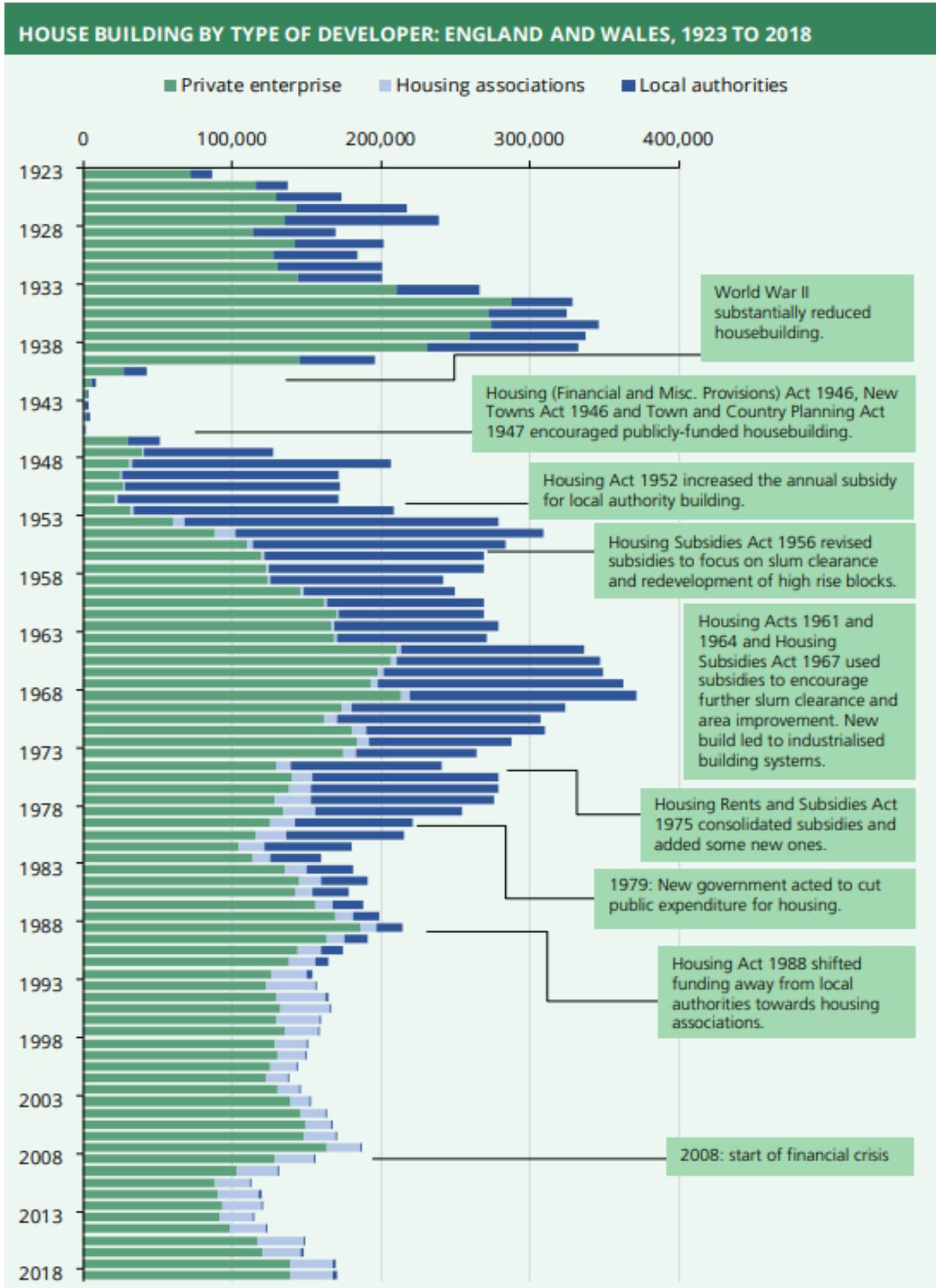
4 Does the PWP meet its own objectives?

- 4.1 The PWP seems to promise everything in a new system; it will be simpler, faster, more certain, less contentious. However, POS seriously challenges whether it will. The de facto objectives of the proposed reforms are set out at paragraph 1.12 of the PWP. It is right to ask whether the proposals which then follow are likely to actually achieve those objectives, or act against them. They are considered in summary here, with more detailed observations against the specific proposals.
- 4.2 **To be more ambitious for the places we create:** We welcome the emphasis in the PWP on giving greater prominence to good design and the achievement of beauty. There are significant practical issues which will need to be resolved to achieve this, which we comment upon in more detail in relation to proposals 11 and 14 in particular. Given the stated objective that development should achieve net gain, and not just no net harm, we urge that this is expressed in primary planning legislation.
- 4.3 **To move the democracy forward in the planning process:** Whilst the objective to shift engagement more towards the local plan stage is broadly welcomed, the proposals for community engagement in plan making would actually greatly reduce the opportunity for individuals and communities to influence an emerging local plan. They would also greatly reduce the scope for the elected members of a planning authority to take account of the views of those they represent on the plan. We therefore strongly oppose these proposals. We also oppose the proposed statutory timetable for plan production, because it is dependent on the reduction of community engagement, and also because it takes no account of the fact that the PWP proposals as a whole would actually significantly increase the amount of work and therefore time which would be required to prepare plans. We provide more detailed comments in relation to Proposal 8.
- 4.4 **To improve the user experience of the planning system:** the principle of making far more effective use of digitisation and associated technology is welcomed. However, the Government needs to fully appreciate the amount of work and cost which will be required to achieve this objective, and to provide effective support to implementation (see our observations on Proposals 6 and 7).
- 4.5 **To support home ownership:** There is nothing in the PWP about how this would be achieved.
- 4.6 **To increase the supply of land for new homes where it is needed:** The primary means for promoting this objective within the PWP is the proposal for a revised standard method and a binding requirement specified by Government for each local planning authority. Whether this will actually increase land supply will depend on the levels actually set, and whether and how the new method will actually work in practice. We have serious concerns about how the setting of requirements by Government can work in practice, because it will require a series of judgements, all of which will need to be supported by evidence. For the reasons set out in our observations on Proposal 4, we would oppose any attempt to set housing requirements through the use of a formula or algorithm alone.

- 4.7 **To help businesses to expand:** Whether this objective will be achieved depends in large part on whether the PWP proposals will really speed up plan making and decision making on planning applications. We are of the view that the PWP proposals taken together would actually increase the amount of work to prepare plans, and consequently the time scale, so this objective would not be met.
- 4.8 **To support innovative developers and housebuilders:** We find very little in the PWP on how this would be achieved.
- 4.9 **To promote stewardship and improvement of our precious countryside and environment:** The current system is already strongly geared to this objective, and there is little in the PWP on how it might be enhanced.
- 4.10 **To create a virtuous circle of prosperity in our villages, towns and cities:** Again, we can find little in the PWP on how its proposals would contribute to this.

Appendix 1: House building by type of developer

Source: <https://commonslibrary.parliament.uk/research-briefings/cbp-7671/>



Sources: B.R. Mitchell, *British Historical Statistics*; MHCLG, [Live Tables 244 and 245](#)
 Notes: Data is for financial years from 1923/24 to 1944/45, then calendar years. See data download for full notes.

Appendix 2: Local plan topics

Some topics required to be covered in local plans by the NPPF

Note: This is not a definitive list

- The size, type and tenure of housing needed for different groups in the community
- The type of affordable housing required
- Affordable home ownership requirements
- The housing requirement for designated neighbourhood areas
- Land to accommodate at least 10% of the housing requirement on sites no larger than one hectare
- The development of windfall sites
- A trajectory illustrating the expected rate of housing delivery over the plan period
- A clear economic vision and strategy which positively and proactively encourages sustainable economic growth
- A network and hierarchy of town centres
- The extent of town centres and primary shopping areas
- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other
- Enable and support healthy lifestyles
- Guard against the unnecessary loss of valued facilities and services
- Promote public safety and take into account wider security and defence requirements
- Protect and enhance public rights of way and access
- Designation of land as local green space
- Potential impacts of development on transport networks
- Opportunities to promote walking, cycling and public transport use
- The environmental impacts of traffic and transport infrastructure
- Setting local parking standards for residential and non-residential development
- The number of radio and electronic communications masts, and the sites for such installations
- Make as much use as possible of previously-developed or 'brownfield' land
- Policies to optimise the use of land in the area
- The use of minimum density standards
- A clear design vision and expectations
- Drawing up or reviewing green belt boundaries
- Appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts
- A positive strategy for energy
- Safeguarding land from development that is required, or likely to be required, for current or future flood management
- Minimising impacts on and providing net gains for biodiversity
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land
- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks
- A positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats
- Providing for the extraction of mineral resources of local and national importance