



Government White Paper: Planning for the Future (August 2020)

Members' briefing

Introduction

The [White Paper](#), published on 6 August 2020, proposes to radically reform the current English planning system to make it a '*significantly simpler, faster and more predictable system*'. The paper argues that the current system has become too complex, opaque, unpredictable, and slow, particularly in relation to the development of Local Plans, which disincentives wider public participation in planning. It states that there is little incentive for high quality design and the current system simply does not build enough homes. The ambition is for 300,000 homes to be built annually.

The general focus of the paper is on big ideas, with the detail of the proposals coming later, but the clear thrust is for wholesale reform of the system rather piecemeal changes, which it acknowledges have led to the overly complex current system. The paper proposes '*a new vision for England's planning system*' and a new Planning Act and amended National Planning Policy Framework is a proposed to deliver it.

The White Paper is subject to a 12 week public consultation, closing on 29th October.

Alongside the White Paper, the Government has also published a [Changes to the current planning system](#) consultation which takes forward some of the ideas proposed in the White Paper in the short term, before the new system is implemented. This consultation closes on 1st October.

A summary of the key proposals is provided below. Civic Voice will be preparing a response to the White Paper, in consultation with Civic Voice members. Please get in touch with us at sarah.james@civicvoice.org.uk with any thoughts or comments you may have.

What's proposed? The key things you need to know

1. A new role for Local Plans

There is a focus on Local Plans in the new system, but plans will have a new simplified role in identifying land for development and protection and setting clear parameters about what development can take place in those areas. Plans will be required to identify three types of land only:

- **Growth areas** will be suitable for 'substantial development' and will receive automatic outline planning permission on adoption of the Local Plan. This could include new settlements, urban extensions, urban regeneration sites.
- **Renewal areas** will be suitable for 'development' and there will be a statutory presumption in favour of development for the uses specified in the plan. This would cover existing built up areas and rural areas that are not allocated as Growth or Protected areas, where smaller scale development is appropriate.

- **Protected areas** will be sites and areas that due to their environmental/cultural characteristics justify more stringent development controls e.g. Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space.

Plans are to be stripped back to essential elements consisting of a web-based interactive map, key and accompanying text which specifies suitable development uses and parameters e.g. height, scale, density limits. Design codes and guides should be produced alongside the Local Plan to guide the form and appearance of development.

The existing ‘tests of soundness’ for Local Plans will be scrapped and replaced with a single ‘sustainability test’.

2. Streamlined and faster development management process

For proposals that accord with the Local Plan, there will be a streamlined route to gaining planning permission. Essentially, the principle of development will have been agreed on adoption of the Local Plan with only specific outstanding matters to be considered later. Different routes are proposed for the three land allocations:

- **Growth areas** will receive automatic outline planning permission through the Local Plan. Detailed planning permission could be secured by a reformed Reserved Matters application, a Local Development Order, or, for very large sites e.g. a new town, a Development Consent Order under the Nationally Significant Infrastructure regime.
- **Renewal areas** Planning permission would be secured through a new permission route which gives automatic consent if the scheme meets design/prior approval requirements (the ‘fast track to beauty’ proposes expanding permitted development rights to do this), a faster planning application process or a Local or Neighbourhood Development Order.
- **Protected areas** A standard planning application would be required in these areas.

For proposals that are different to the adopted plan, a specific planning application would be required, although this is expected to be the exception rather than the rule.

To incentivise local planning authorities to determine planning applications within the statutory time limits (8 or 13 weeks) the paper proposes automatically refunding the planning fee or, for some types of applications, automatically granting permission if there has not been a timely determination.

The paper also hints at a reduced role for planning committees in the determination of planning applications with ‘*the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.*’ (Para. 2.39) Where applications are refused, applicants would be entitled to an automatic rebate of their planning application fee if they are successful at appeal, ‘*to promote proper consideration of applications by planning committees*’ (Para. 2.41).

3. Top-down housing figures

A new standard method for calculating housing figures for each Local Authority is proposed which would ensure enough land is released where affordability is worst but also factoring in land constraints e.g. Green Belt, flood risk etc. The new method would distribute the national

housebuilding target of 300,000 new homes annually and housing figures would be binding on Local Authorities removing any lengthy debates over the numbers at Local Plan examinations.

Given the proposed new Government set housing figures, the current 'Duty to Co-operate' test for local authorities would be abolished.

An interim measure for amending the current method of calculating housing figures, for plans currently being prepared, is set out in the Government's separate consultation, [Changes to the current planning system](#). Lichfields have calculated the numbers for each Local Authority which is available here: <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/> but it is important to note that this interim method is not exactly what is proposed in the White Paper as it does not yet factor in land constraints.

4. Greater use of digital technology

The paper proposes *'greater digitalisation of the planning application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply'* (Para. 2.39). It proposes integrating the validation of planning applications when they are submitted; having 'data-rich' planning registers so that information can be easily found; automating routine processes such as screening proposals against design guides and codes and requiring shorter and more standardised applications that are machine readable. For major development, besides the drawings and plans, a planning statement of no more than 50 pages will be required. Digital templates for planning notices, a greater standardisation of supporting technical information, and standard national conditions to cover common issues are also proposed.

For Local Plans, they will be interactive, fully digitised and map based rather than document based, designed with the end user in mind and accessible on different devices. The idea being that they are more visual, easily accessible and understandable, encouraging wider public engagement. It is envisaged that *'new digital civic engagement process will be enabled, making it easier for people to understand what is being proposed where and how it will affect them'* (Para 2.45). The White Paper considers the use of digital civic engagement tools could be transformational in terms of increased community engagement with plans.

To support Local Authorities, a guide to the new system and a 'model template' for Local Plans will be published to support standardisation of plans across the country. A series of pilots are also proposed with Local Authorities working with tech companies (referred to as the 'PropTech' sector) to develop innovative ways to engage with their local communities.

5. Streamlined Local Plan process

Local authorities will have 30 months to produce a new style stripped back local plan, with those that fail to do so 'at risk of government intervention'. The shortened process will have five stages with 'meaningful public engagement' proposed at two stages (highlighted below in bold). However, the first time the local community will see any proposed plan is when it is submitted for examination:

- **Stage 1 [6 months]** – Call for sites/areas under the three categories with 'best in class' public engagement.
- Stage 2 [12 months] – Local authority prepares its Local Plan.

- **Stage 3 [6 weeks]** – Local authority submits the plan for examination and publicises the plan for consultation with ‘best in class’ engagement. Responses will have a word limit and those seeking changes must explain how the plan should be changed and why.
- Stage 4 [9 months] – Planning inspector examines the plan against the sustainable development test and makes binding changes where necessary. All those that submitted comments on the plan would have a ‘right to be heard’.
- Stage 5 [6 weeks] – Local plan map, key and text are finalised and adopted.

Alongside the new statutory timescale, there will be a requirement to review the Local Plan at least every five years.

6. High quality design and a ‘fast track for beauty’

A National Model Design Code and revised Manual for Streets are due to be published later this year. These will build on the current National Design Guide, turning the broad principles of successful places into more specific standards.

To make design expectations more visual and predictable, there will be an expectation for local design guides and codes to be produced, with community involvement, to reflect local characteristics and *‘what is provably popular locally’* (Para. 3.7). These could be produced by Local Authorities alongside their Local Plans, neighbourhood plan groups or applicants bringing forward large developments. Only guides and codes that have involved the local community will have weight in the planning process. Where local guides and codes have not been produced, national guidance will be the default to guide decisions.

A ‘fast-track for beauty’ is proposed to ensure that development which accords with local design guides and codes has greater certainty of swift approval through the planning process. In growth areas, this will mean that a masterplan and site-specific design code will be required. In renewal areas, the paper proposes widening and changing the nature of permitted development so that it gives approval for *‘popular and replicable designs’* reviving the tradition of ‘pattern books’ (Para. 3.19). The focus of the new PD rights appears to be on redeveloping existing residential buildings to support ‘gentle intensification’ of towns and cities and a pilot programme is planned to test the concept.

A new expert body is proposed to help support Local Authorities as well as performing a wider monitoring and challenging role for the sector in building better places. A chief officer for design and placemaking should be appointed within each Local Authority, although there is no detail as to how this will be funded.

7. Section 106 and CIL to be replaced by a national ‘Infrastructure Levy’

The existing system of developer contributions is to end. Section 106 agreements and the Community Infrastructure Levy (CIL) will be replaced with a nationally-set ‘Infrastructure Levy’ charged on the final development value. The levy will be paid at the point of occupation, leaving councils to pay for and deliver any infrastructure needed up front. Councils will be allowed to borrow against future levy receipts to fund this.

It also proposed to extend the Infrastructure Levy to capture some permitted development rights e.g. office to residential conversions and demolition and rebuild rights, and to also deliver affordable housing, which is currently secured through Section 106 agreements.

8. Conserving and enhancing the historic environment

The White Paper acknowledges that the statutory protections of listed building consent and conservation area status have worked well. Despite this, it proposes to *‘review and update the planning framework for listed buildings and conservation areas to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change’*. Little detail on the new framework is provided but the focus appears to be on making it quicker and easier to adapt historic buildings for new uses and ensure they have the right energy efficiency measures to support the Government’s zero carbon objectives. The Government will explore whether there are *‘new and better ways of securing consent for routine works’* with the potential for *‘suitably experienced architectural specialists to have earned autonomy’* from routine consents.

Further information & next steps

We have highlighted the key proposals above but do look at the White Paper itself for full details of the proposed reforms – the web accessible version is available [here](#).

In total, there are 24 proposals in the White Paper. The Government has also asked a series of consultation questions. To help you with developing responses, we have extracted the proposals and consultation questions into a separate document for your information. These are available [here](#).

Civic Voice is preparing a response to the White Paper, in consultation with communities across England. The first part of our process to meaningfully engage communities is a short online survey which you can take [here](#). We would be very grateful for your initial views to help shape our response to the consultation. **Deadline is 14th September 2020.**

With huge changes proposed, now is the time to engage in a Civic Voice Conversation.