

# Planning for the Future – White Paper

## PAS Consultation events – What we saw and heard

### About this document

The content of this document is based on what we heard from Local Planning Authority (LPA) officers at the 15 workshops we held on the consultation proposals set out in the of the “Planning for the Future” White Paper and other changes to the current planning system. It is not a consultation response as being the Planning Advisory Service we do not respond ourselves to consultations by Government.

We did however think it would be helpful summarise what we heard in these workshops where we encouraged our audience to speak their minds about the good, bad and ugly of what they see in front of them. As we said on the day, nothing that we heard is attributable, and who said what will remain confidential.

So, the following summaries are drawn from mostly direct quotes and questions pushed to us at the events. They do not cover all the points made but include the main messages under a selection of key themes. It is a little scrappy but nonetheless we hope you find it useful.

All the best

The PAS Team

So, what did we see and hear.....

## 1. Scope of the White paper

### Setting the “vision”

Setting the ‘vision’ as part of the framework for the future development of an area is an important part of plan making and proposals should be clear on the role of vision and how and where it is declared.

There are always alternative development strategies and decisions to be made between them and proposals need to reflect this and set out a process of choosing from alternatives is important.

### Land use

The future system needs to have more focus on development other than residential including economic development, future of town centres, delivering infrastructure, the design and function of the public realm and climate change.

### What is missing?

There are bits “missing” from the reforms – what about strategic planning, links to the requirements of the Environment Bill, minerals and waste, future devolution and gypsy and traveller policy?

### Strategic planning

Everyone agreed that strategic planning was important but, reflecting the diversity in the audience (and the diversity of structures in governance) not everyone agreed what it was, who was supposed to be doing it and what successful strategic planning could achieve. It was considered by some there was either a risk or opportunity to repackage and perhaps rebrand strategic planning.

The duty to cooperate is recognised as not working, but people are concerned of it just falling away and are keen for an alternative to achieving effective cross-boundary working – particularly around difficult topics.

### Neighbourhood planning

Proposals should set out what this means for the future of neighbourhood planning and what the demands are on councils to support this.

### Coordination

Proposals should set out how new local plans interface with neighbouring plans / strategic plans / neighbourhood plans.

## 2. Timetable, transition, capacity and skills

### Existing plans

The 2023 message is clear but there is evidence of pausing and slowing down on progressing local plans to minimise and avoid abortive work. There was a general view that plan-making is almost certain to slow down where housing numbers are politically sensitive and remain uncertain.

Consideration should be given to incentivising Councils to have a plan in by 2023. For example, consideration of a longer transition period would be helpful along with access to funding and skills.

### Cost of transition

Moving from the current system to a new system is considered by officers to have a significant cost to a Council. Officers wanted clarity on where the resource will come from and how it relates to the 'skills and resourcing strategy'.

### Design skills

Many councils have lost what urban design skills and capacity. There is a concern that this will create a serious gap. If members (and communities) have a larger part to play setting design codes there is likely to be a further skills gap. The role of national design codes (and how they might bridge this gap) plus the role of the skills and resourcing strategy is important here.

### Planning Inspectorate

Clarification was called for on what a new style examination will involve and a concern that the reforms will lead to a more binary decision at examination without the same level of flexibility to modify the plan.

Officer reflected on the lessons learned from the last major change to the planning system which was that the first few examinations are critical to set the scene (and the risk register) for what follows.

## 3. Risks / opportunities

### Housing numbers

Housing numbers has become the starting point [of making a local plan], and it is difficult to progress a plan without one. This means that uncertainty about the housing number is such a big issue – it makes it difficult to know how to start.

A binding number will struggle to allocate enough land accounting for given existing environmental and Green Belt protections.

A national algorithm will just “push” development away from heavily constrained areas towards those without statutory environmental or policy protection.

Locking in numbers earlier in the plan making process is welcome if it reduces third party's ability to challenge late on.

There was some positive feedback and constructive criticism of the interim formula (as set out in the technical consultation) – upping the housing stock percentage, (more housing in populous/reduced in affordability areas); tapered affordability adjustment (reduce effect on London and massively constrained areas).

## Better engagement

The White Paper has set a high bar on community engagement and transparency - and rightly so. The key challenge facing planning is to demonstrate with evidence that communities have been listened to; moving beyond traditional consultation to properly listening and responding.

Digital is a key platform and will open planning up to a new and more varied audience but does exclude many individuals and communities that cannot / do not have access. There is also a risk of digital abuse when engaging in this way. Digital must be positioned alongside more traditional methods.

## Land supply

There will be a temptation for everything to be put into the “protect” category because it continues the discretionary application process that everyone understands. What incentive is there to allocate for growth?

## Allocations

Having a site allocated in a growth area will be of benefit to a developer, but will it create enough certainty for them?

## 4. Plans

### Certainty

Proposals need to be clear how design codes and pattern books reduce arguments about scheme viability (and e.g. climate change).

Where an approach to an allocation includes work undertaken by developers the LPAs role in policing them has to be clear. Is this a new role for Planning committee?

### Talking about land uses and land supply

The proposed removal of the 5 Year housing land supply (5YHLS) could result in councils and other parties stopping, or at least less thoroughly, assessing their pipeline of sites coming forward. The HDT is to remain and therefore it is crucial that an effective way of thinking about and predicting future delivery is put in place. The way land categories, capacity (in terms of housing) land supply will work is unclear in the proposals.

### Categorisation

The concept of the three development areas is clear, but not how they would work in practice. Some better distinctions/definitions would be helpful. Some clarity would be helpful on how fine-grained or broad-brushed they need to be. Many places are a patchwork of growth / renewal / protect – it will be difficult to categorise at a site level but either a classification matters (in which case they need to be accurate) or they don't.

Sub areas are generally thought to be required and a good idea – for example, defined geographically or for types of development e.g. self-build, retail areas or land use based. In cities and towns there is a higher incidence of mixed-use properties with stacked land uses. Some officers said that they would rather have policies on land uses here than categorisation of areas.

What happens in allocations waiting for a design code? Officers could see that in growth areas a developer will be incentivised to support the design work, but what about in existing cities where

there is likely to be a patchwork of buildings and no big development on which to hang the development of something new?

### Growth Areas

Providing sufficient certainty at the local plan stage for permission in principle is expensive and time-consuming. There will be a cost (who pays?) and will need to be done quickly enough to reduce the risk of slowing everything down. Sites that don't subsequently come forward risk lots of wasted work.

### Renewal Areas

This is a misleading name. It will be for suburbs and built-out places seeing only piecemeal intensification and development. Renewal makes it sound like it is going to be knocked down and replaced.

### Protected Areas

Language again – the 'protect' word is perhaps unhelpful / misleading. It is more akin to 'restricted' – allowing you to regenerate an estate in a conservation area etc.

### Assembling a plan / sites / designs

Are all of the components examined in one piece? Either this feels like much more than at present or lots of important pieces won't get any scrutiny – either individually or together.

### Timetable

Taking a local plan through a process involves lots of organisations beyond LPAs. Many statutory consultees (and infrastructure providers) struggle. Communities will feel rushed. All LPAs doing the same 30-month statutory timetable will create enormous peaks and troughs for all customers of the system.

## 5. DM

### National DM policies

There was general support for the principle where they are set as sensible generic policies and kept relevant without too many sudden changes. However this is hard. There is a need to understand what they will do and what degree of local specification / customisation is required to make them work.

### Planning applications

The new system suggests that full planning applications are required much less often. But planning applications are often a sequence of outlines / reserved matters / details / revisions / conditions. What is the cost / likelihood of getting everything fixed at an early stage?

### Compliance

Judging whether a scheme is in accordance with the design (and is therefore an implementable consent) or not becomes a big question. How will LPAs (and PINS) make new design codes "stick" better than they do already?

### Planning committee

Planning committee would continue to hear applications that were contrary to policy (or design code?). Might they also receive applications from neighbourhood groups on their design and pattern

books? How might councillors (or anyone) make a link between design requirements and viability?  
Or design requirements and carbon reduction targets?

## 6. Infrastructure and developer contributions

### Overview

General consensus that the proposals for a simplified infrastructure levy (IL) would be a positive inclusion albeit officers felt that to confirm support, or not, will be dependent upon the detail.

A high number of officers stated a clear preference for retaining elements of the current system for securing developer contributions that are considered to work well including the flexibility of negotiating requirements through Section 106 (S106) planning obligations and the link that this has to mitigating the impact of a specific development.

There was some concern that the process and governance structures that councils have now put in place for the use of developer contributions would have to start again.

There was a general concern over the assertion that the proposals will deliver as much if not more affordable housing. The evidence to support this statement is required and also how this statement and the WP relates to the comparable delivery of other infrastructure.

### National, regional or local

Consensus that the levy should be set locally.

### Setting the value

Officers continued to be concerned about the need to test viability in different areas to establish appropriate differential values as is the case for CIL. Further work on setting the detail of this approach will be required.

How valuations are undertaken is a concern. How are they undertaken, who undertakes them and what is the risk of gaming by landowners and developers. For example, what methods might a landowner or developer use to devalue the value of the development at the point of sale.

### Role of Section 106 planning obligations

Greater clarity is required on the future role of S106 planning obligations and its relationship with the infrastructure levy. Going forward understanding what should be a requirement of development, and by what means it will be secured, will be critical to understanding this relationship.

### Borrowing

There were major concerns regarding the risks of councils borrowing funds to forward fund infrastructure. There was a real concern that, and especially in times of austerity, the risks and costs associated with borrowing would limit councils taking this forward. This concern was exacerbated by the timing of the CIL payment being on completion of the development and the uncertainty of the value of receipts until this point.

### Delivering infrastructure

There was concern that the levy as proposed would lead to greater gaps in funding between areas of the country with high values and those with low values. An understanding of how infrastructure will be funded in areas where development values are lower was a key concern.

Officers generally felt that Councils were getting better at spending developer contributions and were concerned that a new system would take them back to the beginning of this process. They were also concerned that the proposals would impede the delivery of infrastructure that is required to mitigate the impact of a specific development.

Proposals need to make a stronger recognition that IL will not be the silver bullet to the funding of all necessary infrastructure and that it will need to be considered alongside other funding mechanisms.

### Affordable housing

There was uncertainty with this area of the proposals and how they would ensure the delivery of affordable housing which is a priority for most councils. There was a view that infrastructure and affordable housing should remain separate. Otherwise how do you prioritise between the two.

The role of registered landlords was also questioned as were the proposals to allow the “flipping” of homes to market housing where there is insufficient value in a development. This causes obstacles to forward planning and assurances that the required homes will be delivered. There were also questions over what the mechanisms would be to “require” the provision of onsite affordable homes and how do you determine the appropriate size, tenure and quality. The right to reject was considered to be a poor control in the proposals.

### Flexibility of spend

The general consensus was that there should not be greater flexibility in how a council can spend the IL. Given that there is unlikely to be sufficient funds from IL to fund the affordable homes and infrastructure that is needed to support growth across the country allowing for greater flexibility would only further diminish the funds available and cause more competition for the funding.

### Neighbourhood IL

It was generally agreed that the proposals should allow for the retention of a neighbourhood portion albeit, the mechanism for how this is determined will need to be reconsidered in light of the proposals to ensure that it is proportionate.

### Exemptions

General consensus that exemptions should be simplified or removed.

### Permitted Development

General consensus that IL should be charged on permitted development where appropriate.