

# “PLANNING FOR THE FUTURE” WHITE PAPER BRIEFING REPORT



## 1.0 Introduction

- 1.1 On 06 August 2020 the Government published “Planning for the Future”, its White Paper setting out a wide ranging set of fundamental reforms to the planning system.
- 1.2 The Planning White Paper sets out 24 specific proposals under 3 “pillars” of reform:
- Planning for Development.
  - Planning for Beautiful and Sustainable Places.
  - Planning for Infrastructure and Connected Places.
- 1.3 The 1947 Town and Country Planning Act, which essentially nationalised the right to develop land, and created the concept of local planning authorities working to a plan for their areas provides the foundation for the planning system that exists today, despite numerous reforms in every decade since its inception. The planning system has always been a discretionary system rather than a zonal rules-based system, of the type that exists in various forms around the world, allowing decisions on individual proposals to be tested against the policy framework set out usually in a local plan, but ultimately considered on its individual merits. The planning system has, on the whole, enabled England to respond to the various societal, economic and environmental challenges of a changing society over the last 70-odd years. The planning system created by the 1947 Act is inherently locally democratic and acts in the wider public interest. Although the system in England, compared to almost every other liberal democracy has always been heavily centralised, the basis of the system has always been predicated on democratically elected members and professionally qualified planning officers together comprising the Local Planning Authority working with local communities to plan for the future of their areas. However, that is not how the Government sees the planning system in the Planning White Paper, describing it as “a relic” from the 20<sup>th</sup> century, “outdated, and ineffective”, and “artificially constraining the potential of the country”. Indeed, the White Paper suggests that “thanks to the planning system, we now have nowhere near enough homes in the right places”.
- 1.4 The basis for the Government’s approach is that, as it sees it, there are 9 fundamental problems with the current planning system:
- It is too complex.
  - Planning decisions are discretionary rather than rules-based.
  - It takes too long to adopt a Local Plan.
  - Assessments of housing need, viability and environmental impacts are too complex and opaque.
  - It has lost public trust.
  - It is based on 20<sup>th</sup>-century technology.

- The process for negotiating developer contributions to affordable housing and infrastructure is complex.
- There is not enough focus on design.
- It does not lead to enough homes being built.

1.5 The Government therefore proposals a 9-point new vision for the planning system to:

- Be more ambitious for the places we create.
- Move democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice.
- Improve the user experience of the planning system.
- Support home ownership.
- Increase the supply of land.
- Help businesses to expand with readier access to commercial space.
- Support innovative developers and house builders.
- Promote the stewardship and improvement of our precious countryside and environment.
- Create a virtuous circle of prosperity.

1.6 The planning system has become complex, but this is not as a consequence of local community engagement in the planning system; rather it is caused by governments who have tinkered with the legislative framework and created layer upon layer of new challenges for Local Planning Authorities to overcome. However, many authorities such have Plymouth have been able to perform well even in this complex system, delivering sufficient homes and driving regeneration. The Planning White Paper contains no compelling evidence that the entire system needs to be replaced with a fundamentally different system which has no clear overarching legal purpose or governance.

1.7 The Government – wrongly – see planning being about regulation and control rather than about place-shaping and being locally democratically accountable to local residents and business needs; and many of its proposals seem to be driven by this negative view, with a focus on procedural problems often the result of previous Government reforms, with an emphasis on speed and housing delivery at the expense of democratic process and the wider role of planning in delivering sustainable communities. Whilst exhortations are for a system that is “simpler, clearer and quicker to navigate”, that “makes it harder for developers to dodge their obligations”, and which gives local people “a greater say about what gets built” are hard to argue with, it is considered the actual proposals set out in the Planning White Paper will fall far short of these stated outcomes.

## **2.0 Pillar I: Planning for Development**

2.1 Pillar I of the Planning White Paper brings forward 10 specific proposals to fundamentally change the current planning system from one based on discretionary local decision-making, with the acceptability of development proposals being based pre-eminently (unless other material planning considerations indicate otherwise) on the policies and proposals of a Local Plan, to one that is streamlined, rationalised and simplified to a new hybrid style zonal system. “The starting point for an effective planning system”, the Planning White Paper argues, “is to establish a clear and predictable basis for the pattern and form of development in an area”.

This leads the Government to assert that “in places like Japan, the Netherlands and Germany where plans give greater certainty” that a system of permitting up front the principle of development through new style local plans automatically granting outline permission would be more effective.

2.2 The specific proposals in the Planning White Paper under this pillar are:

**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.**

**PROPOSAL 2: DEVELOPMENT MANAGEMENT POLICIES ESTABLISHED AT NATIONAL SCALE AND AN ALTERED ROLE FOR LOCAL PLANS.**

**PROPOSAL 3: LOCAL PLANS SHOULD BE SUBJECT TO A SINGLE STATUTORY “SUSTAINABLE DEVELOPMENT” TEST, REPLACING THE EXISTING TESTS OF SOUNDNESS.**

**PROPOSAL 4: A 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.**

**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.**

**PROPOSAL 6: DECISION-MAKING SHOULD BE FASTER AND MORE CERTAIN, WITH FIRM DEADLINES, AND MAKE GREATER USE OF DIGITAL TECHNOLOGY.**

**PROPOSAL 7: LOCAL PLANS SHOULD BE VISUAL AND MAP-BASED, STANDARDISED, BASED ON THE LATEST DIGITAL TECHNOLOGY, AND SUPPORTED BY A NEW TEMPLATE.**

**PROPOSAL 8: 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.**

**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.**

**PROPOSAL 10: A STRONGER EMPHASIS ON BUILD OUT THROUGH PLANNING.**

- 2.3 It is naïve of Government to think that a planning system could ever function in the public interest for the wider benefit of society without the ability for case by case judgments, as circumstances inevitably vary and there can be no effective one-size-fits all. There is always a balance to be struck between the need for certainty and the need for flexibility to reflect changing circumstances. Whilst greater certainty on the principle of development would be provided through a revised role for Local Plans granting outline planning permission (as opposed to Permission in Principle) the proposed three standard classifications set out in Proposal 1 are being used to remove democratic consideration later in the planning process which effectively will disfranchise communities despite the claims of the Planning White Paper to the contrary. Plymouth City Council, working with partners, has already used very effective community engagement processes and within the current legislative requirements sought to maximise the use of interactive technologies but again this cannot justify the substitution of appropriate democratic oversight of subsequent planning issues of legitimate concern to local communities. The City Council should therefore strongly object to Proposal 1.
- 2.4 The current system of examination of local plan policies already mitigates against the duplication and replication of national policy issues so in reality Proposal 2 removes all local distinctiveness in policy making and centralises all non-site-specific issues.
- 2.5 Proposal 3 effectively seeks to correct the bureaucratic process which have inhibited creative plan-making in the last 10 years including abolishing the failed duty to cooperate.
- 2.6 Somewhat ironically, in light of the abolition of the Regional Spatial Strategies by the previous Coalition Government, the housing standard methodology set out in Proposal 4 centralises control of setting local housing targets, with Whitehall, using processes and procedures that the Planning White Paper is silent on, to make judgements about local environmental constraints rather than Local Plans based upon the preparation of a clear evidence base allowing local councillors to make those judgements. The Planning White Paper appears to suggest a permissive strategic planning approach but with no legislative provisions to secure the proper provision and consideration of cross-border issues that are best assessed on a wider functional spatial level, so as to ensure sound strategic planning and policy interventions to deliver sustainable patterns of development.
- 2.7 Under Proposal 5 “there would be no need to submit a further planning application to test whether the site can be approved”, with different consent regimes dealing with tightly defined very technical matters in the growth and renewal areas, but in protected areas this being determined through a planning application process as it is now. It is clear is that what is intended by the Planning White Paper is a much more constrained role for the Planning Committee who would only deal with exception issues in the growth and renewal areas. The Planning White Paper is quite explicit about limiting the future role of elected councillors in this respect by stating that the Government intends to achieve its streamlining objectives by proposing “the delegation of detailed planning matters to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgement”. This fails to understand the importance of openness and probity within the planning system. It also fails to understand the importance of local councillors who are elected amongst other reasons to formulate and pursue planning policies on behalf of local residents. This involves exercising a formal scrutiny and challenge function as well as representing legitimate concerns and issues raised by local people – as opposed to these being raised with unelected officers.

- 2.8 Proposal 6 seeks to further streamline planning processes, and whilst the modernisation of procedures could potentially be welcomed, the thrust of the reforms is to place speed of decision-making above achieving sustainable planning outcomes for local communities. The Planning White Paper also proposes sanctions on the Local Planning Authority if mandatory time periods are not met, with planning fees having to be returned and consent automatically granted. The City Council should object to these measures.
- 2.9 Proposal 7 has the potential to be supported provided that issues of digital exclusion and the resourcing implications are addressed as a clear map-based approach to development proposals has been the approach Plymouth has taken over many decades in the plans it has prepared.
- 2.10 The Planning White Paper states that the average time taken from plan publication to adoption rose from 450 days in 2009 to 815 days in 2019. There is a very clear reason for this. The government decided to abolish the flexible local development framework process and introduced the National Planning Policy Framework and its inflexible tests of soundness. Under the local development framework system Plymouth managed to adopt 8 Development Plan Documents in just three years, with its Core Strategy moving from Regulation 18 to adoption in just 25 months. In the era of the National Planning Policy Framework the evidence base requirements for plans were massively ratcheted up, because planning inspectors became highly risk averse to the ever-present risk of legal challenge. Plymouth City Council, South Hams District Council and West Devon Borough Council signed a Collaboration Agreement to undertake a Joint Local Plan in May 2016 and 35 months later the Plymouth and South West Devon Joint Local Plan had been adopted. It took 20 months from submission of the plan to the Planning Inspectorate to receipt of the inspector's final report. In other words 57% of the overall time for plan preparation was taken up in seeking Government approval for the plan! Proposal 8 therefore sets out a binding period of 30 months, with sanctions if Local Planning Authorities do not meet this requirement, including direct intervention by the Secretary of State to take over a council's Local Plan. In addition the Planning White Paper suggests removing the automatic right to be heard at a public examination before the Planning Inspector and potentially removing the examination process altogether. This is contrary to the right to be heard set out in Section 20(6) of the 2004 Planning and Compulsory Purchase Act and despite the claims of the Planning White Paper to enhance community engagement actually would disenfranchise local people from planning processes. The City Council should strongly oppose this.
- 2.11 Proposal 9 proposes the continuation of neighbourhood plans which can be a positive tool for local communities to mobilise to create a clear vision for their area. However the experience in Plymouth has been that with an up to date Joint Local Plan, and supporting details in Supplementary Planning Documents, few neighbourhood plans have come forward because of the extensive community engagement approaches the City Council has taken. The status of neighbourhood plans and its relationship with the proposed hybrid zonal approach set out in the Planning White Paper is unclear because of the absence of detail.
- 2.12 Proposal 10 seeks to deal with the fact that developers are failing to implement the planning consents for houses that have been granted by Local Planning Authorities but there is nothing in what is proposed that breaks the relationship between slow delivery by developers and 'low absorption rates' – the capacity of a local housing market for new home sales in a given time

period. The Planning White Paper provides no evidence that the existing planning system holds up the building of new homes, rather than the dominant position of the major house builders working to shareholder imperatives. Once again planning is seen as the problem, inhibiting the unfettered approach of the market. The Local Government Association estimate that nationally there are over 1 million homes consented which have not been built. As at April 2020, there were 4,183 dwellings with planning permission yet to commence construction. In the last 5 years, 98% of major planning applications were determined within the statutory time period in Plymouth, and 99% of these were approved. It is not planning that is the problem it is the failure of the Planning White Paper to address the complex barriers to delivering housing, tackle the vested interests of the major house builders, and listen to its own commissioned evidence from the Letwin Review on build out rates.

### 3.0 Pillar 2: Planning for Beautiful Places

3.1 Pillar 2 of the Planning White Paper brings forward 8 specific proposals that seek to give effect to the recommendations of the Building Better, Building Beautiful Commission in order to “set clear expectations for the form of development which we can expect to see in different locations”. Of course creating genuinely sustainable places is not just about beauty but dealing effectively with wider locational and design issues that go beyond the architectural appearance of buildings, so that important biodiversity, natural environment and sustainability considerations can meaningfully be addressed, which are vital to the decarbonisation of housing to meet climate change objectives.

3.2 The specific proposals in the Planning White Paper under this pillar are:

**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.**

**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.**

**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.**

**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.**

**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.**

**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.**

**PROPOSAL 17: CONSERVING AND ENHANCING OUR HISTORIC BUILDINGS AND AREAS IN THE 21ST CENTURY.**

**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.**

- 3.3 Proposal 11 demonstrates a very narrow focus on housing and architectural design matters. There is little evidence to suggest that sustainability is at the heart of the Planning White Paper as the focus seems to be on the speed of decisions. The Planning White Paper has missed a once-in-a-generation opportunity to put sustainability and the climate emergency right at the heart of a reformed planning system. In support of the related proposals to front load community engagement at the Local Plan stage, and limit the role of elected councillors in what are seen as subsequent technical matters, the Planning White Paper requires Local Planning Authorities to prepare, in consultation with local communities, local design codes which would be binding. This has obvious resource implications but in the absence of local codes, the National Design Guide, National Model Design Code and a revised Manual for Streets – all produced centrally – will prevail. So, whilst the City Council already has a good track record of engaging local communities in design coding, master planning, and planning for real-type processes (for example in relation to the regeneration of Devonport, North Prospect and Sherford) in reality these proposals again seek to centralise control whilst purporting to give more power to local communities.
- 3.4 Having abolished the Commission for Architectural and the Built Environment as part of the “bonfire of the quangos” in 2011, the Government now propose the creation of a new body to deliver “locally-popular design codes”. How this will interface with Local Planning Authorities is unclear as the Planning White Paper indicates that it will consult further in the autumn on further changes to the National Planning Policy Framework to reflect the recommendations of the Building Better, Building Beautiful Commission. The City Council has a long track record of utilising Design Review Panels and its own in-house urban design expertise to ensure that design considerations are an integral part of the planning process. Proposal 12 also suggests that a Chief Officer for Design and Place-making should be established as a statutory role.
- 3.5 Proposal 13 suggests that Homes England’s strategic objectives should be modified to give greater weight to delivering beautiful places. However this must not be at the expense of other key policy objectives – such as achieving policy-compliant levels of affordable housing or securing low carbon outcomes.
- 3.6 Proposal 14 proposes a “fast track for beauty”, the objective being to “incentivise attractive and popular developments”. This would be achieved by changes to the National Planning Policy Framework, legislating for master plans and codes to be agreed as a condition attached to a Permission in Principle (not a further detailed planning application) and by further legislation that “enables popular and replicable forms of development to be approved easily and quickly,

helping to support ‘gentle intensification’ of our towns and cities”. There are significant concerns regarding the deregulatory nature of these proposals, especially concerning the use of permitted development rights and “pattern book” approaches. A “fast track for beauty” should rely on the local authority having confidence in the design proposal for a site creating a genuinely sustainable outcome rather than the speed at which an application is determined. The planning system should be efficient but it should also support due diligence in assessing development proposals which, once approved, will impact on local communities for decades to come.

- 3.7 Proposal 15 contains a woefully inadequate understanding of the role that planning can play in addressing the climate emergency: it is about far more than views, public access, renewable energy and woodland issues. The whole pattern of development (its layout, orientation, mix of uses, infrastructure, the end-to-end process of construction, (such as use of materials and their sourcing, construction waste management and future adaptability), and the overall approach to transport and other infrastructure, are all key factors which the Planning White Paper overlooks.
- 3.8 Proposal 16 proposes the streamlining of processes for assessing environmental impacts including those related to protected habitats and species, including making processes such as Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessments simpler and removing duplication. Despite the suggestion that the emerging Environment Bill will strengthen these protections now that the UK has left the European Union from which many of these regulations derive, there is a concern that the overriding philosophy is one of deregulation rather than ensuring the new planning system will genuinely have the tools and methods of assessment to provide the necessary environmental safeguards.
- 3.9 Proposal 17 seeks to define the climate issues in relation to the need to allow for adaptation of historic buildings in response to the climate emergency. Historic environment considerations have a unique status in planning decisions because the weight afforded to them as a material planning consideration in primary legislation and through established case law. The City Council should also oppose the suggestion in the Planning White Paper that “suitably experienced architectural specialists can have earned autonomy from routine listed building consents”. This effectively privatises the determination of some listed building consent applications and removes those applications from Local Planning Authority scrutiny.
- 3.10 The changes reflected in Proposal 18 seem to be driven mainly by a desire for speed and improving the appearance of buildings, as well as supporting private developers through the removal of requirements to provide community benefits. If there is one issue more than any other that should justify a complete reform of the planning system it is surely the climate emergency, and the opportunity to link many of the proposals that are about simplifying and speeding development up to net zero developments. However there is a complete lack of ambition in the Planning White Paper in relation to climate issues. The position regarding the implementation date for the proposed Future Homes Standard remains unclear. It is understood that in the autumn Government will introduce transitional measures from 2020 to reduce emissions by 31% as a first step towards the Future Homes Standard of 75-80% lower emissions (known as ‘zero carbon ready’) by 2025 and net zero emissions by 2050. It is also unclear how delivery, monitoring and enforcement of these measures are to be financed.



## 4.0 Pillar 3: Planning for Infrastructure and Connected Places

4.1 Pillar 3 of the Planning White Paper brings forward 6 specific proposals to address the “uncertain and opaque” current approach to planning obligations, which have been “inflexible in the face of changing market conditions”. Whilst the existing Community Infrastructure Levy and Section 106 regimes are flawed, being overly complex, open to gaming by developers who regularly use viability assessments to by-pass evidenced and legitimate planning policy and infrastructure requirements, especially in relation to the provision of much-needed affordable housing, the new proposals contain insufficient detail in relation to a nationally set Infrastructure Levy to be supported. Whilst there are strong theoretical advantages to a consistent land value capture approach arising from the uplift in values brought about by the exercise of public planning policy through the grant of a planning permission, as was originally envisaged by the betterment provisions that were a central part of the 1947 Town and Country Planning Act, the centralised approach advocated is likely to significantly disadvantage lower value areas such as Plymouth.

4.2 The specific proposals in the Planning White Paper under this pillar are:

**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.**

**PROPOSAL 20: THE SCOPE OF THE INFRASTRUCTURE LEVY COULD BE EXTENDED TO CAPTURE CHANGES OF USE THROUGH PERMITTED DEVELOPMENT RIGHTS.**

**PROPOSAL 21: THE REFORMED INFRASTRUCTURE LEVY SHOULD DELIVER AFFORDABLE HOUSING PROVISION.**

**PROPOSAL 22: MORE FREEDOM COULD BE GIVEN TO LOCAL AUTHORITIES OVER HOW THEY SPEND THE INFRASTRUCTURE LEVY.**

**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.**

**PROPOSAL 24: WE WILL SEEK TO STRENGTHEN ENFORCEMENT POWERS AND SANCTIONS.**

4.3 There are very substantial concerns regarding the implications of a nationally set Infrastructure Levy as set out in Proposal 19, which is likely to lead to an increase in regional disparities as it could deliver much higher levy contributions to high value locations such as London and the South East. The proposed value based minimum threshold may mean that for many parts of the country no Infrastructure Levy revenues will be received at all. In addition, Section 106 Agreements don't just secure contributions to infrastructure, they also coordinate how development is delivered, phased, the precise mixture of uses, and important issues that local people often raise concerning community engagement in the management of open spaces, construction hours and management plans, and in relation to mitigating the impacts of developments on the European-designated Sites in Plymouth Sound. If the intention of the

Planning White Paper is for Local Planning Authorities to no longer control these issues then this reinforces concerns about how non-financial issues can be controlled for the benefit of local people in the future. Whilst there are benefits to setting a levy at the time when a development is completed, as opposed to when planning permission is granted, during which many changes to the funding and economic context may have occurred, such an approach is also open to gaming by developers. Decisions about how to spend the levy must be made locally, but need to be aligned with the Local Plan Infrastructure Needs Assessment as they are now, and the Infrastructure Delivery Plans upon which the Planning White Paper is silent. One of the failings of the current Community Infrastructure Levy Regulations is that Regulation 60 prevents the City Council from borrowing against projected receipts. The proposal in the Planning White Paper to allow councils to borrow against future Infrastructure Levy receipts is therefore to be welcomed in principle, but overall the City Council should object to a national Infrastructure Levy.

- 4.4 Proposal 20 is an interesting proposition which seeks to extend the application of the new Infrastructure Levy to permitted development, meaning that developments that do not require planning permission would still, nevertheless, have to contribute towards the impacts they are having on a locality. In the last few years the Government has significantly extended permitted development rights and so whilst the proposal establishes an interesting new principle that permitted development should contribute towards addressing the impacts it has – currently avoided under the present system - the continued expansion of permitted development should be opposed by the City Council as it does not allow the proper assessment of development proposals, excludes democratic decision-making, disenfranchising communities who are often frustrated that the Local Planning Authority cannot control such developments. As has been seen, the use of permitted development rights has resulted in some absolutely appalling new homes, built to poor standards in inappropriate and unsustainable locations.
- 4.5 The White Paper's proposal to use the Infrastructure Levy to fund affordable housing, as set out in Proposal 21, will create an inevitable false choice between the need for the provision of infrastructure and the need for affordable homes. Once again the Planning White Paper is light on the details so how this would work in practice remains unclear. The costs associated with affordable housing delivery could mean that any in-kind delivery, the value of which is taken off the Infrastructure Levy, could leave little funding for mitigating the infrastructure impacts of development. It is also unclear what powers the Local Planning Authority would have to require provision on site, to achieve balanced and mixed community objectives, thereby avoiding mono-tenure developments.
- 4.6 Proposal 22 suggests a much more flexible approach to the use of the Infrastructure Levy, which would break the critical link that currently exists between the Community Infrastructure Levy and the provision of infrastructure that mitigates the cumulative impact of development on an area. Such a break would be dangerous and should be opposed, as it will lead to unsustainable and harmful development that does not provide the infrastructure needed to support communities and address climate change.
- 4.7 Proposal 23 sets out 9 options for the future funding of the new planning system, indicating that following the development of a "comprehensive resources and skills strategy", more detailed funding options will be brought forward. Whilst the Planning White Paper claims that "Local Planning Authorities remain at the heart of our ambitious reforms", the Government sees the new system being "principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer". This fundamentally

misunderstands that the planning system operates in the public interest. The proposition in Proposal 23 almost amounts to a form of regulatory capture seeing developers and landowners as the main beneficiaries of the operation of the planning system. Moreover, whilst recognising that “local planning departments are under great pressure – with spending per person on planning and development down 60%”, nevertheless “planning fees should continue to be set nationally” despite years of lobbying by the Local Government Association and the Royal Town Planning Institute amongst others seeking the decentralisation of local planning application fee setting to Local Planning Authorities. It is extremely disappointing that the Planning White Paper has no detailed or credible response to these long-standing funding issues.

- 4.8 Proposal 24 proposes to strengthen enforcement powers and sanctions to “place more emphasis on the enforcement of planning standards and decisions”, but other than citing issues associated with unauthorised encampments and developments located in flood risk areas, there is a paucity of detail. Over many decades governments have been promising major reforms to planning enforcement powers which are notoriously weak, slow and biased towards private property rights. Whilst the commitment to strengthening enforcement powers and sanctions could be potentially welcomed, in the absence of specific details and dedicated resources for enforcement, the implications for Local Planning Authorities remain unclear.

## 5.0 Conclusions

- 5.1 Plymouth’s approach to planning is one founded on the concept of proactive positive planning. The Planning White Paper is undoubtedly the most radical set of proposals to be put forward by any Government since the creation of the planning system in 1947, not least because it seeks to fundamentally move from a discretionary system based on local democratic decision-making to a hybrid, rules-based zonal approach not seen anywhere else in the world. However, the overarching problem with the proposed reforms is that they are poorly evidenced, see the planning process and planning system as about regulation and control rather than achieving wider sustainable outcomes, are profoundly undemocratic from a local authority perspective in the future role it envisages for elected councillors, and in reality, the much more limited influence local people will have in relation to decisions about their city and neighbourhoods, are based upon a philosophy of further deregulation which will result in poor outcomes, and continue the trend of successive governments to centralise more power. The Planning White Paper misses a once-in-a-generation opportunity to place the climate emergency at the heart of the English planning system and are likely to lead to increased inequalities across the country through an unfair distribution of resources that favours London, the South East and other higher value areas, disenfranchising local communities in the process.
- 5.2 It is therefore recommended that the concerns and objections to the Planning White Paper set out in this report forms the basis for the detailed response which has to be submitted to the Government by 29 October 2020, in further consultation with the Cabinet Member for Strategic Planning and Infrastructure. It is also recommended that given the need for primary and secondary legislation, and the stated intention in the White Paper to have the new style Local Plans in place by the end of this Parliament in 2024, that the Leader be instructed to raise these concerns with local Members of Parliament in seeking their support for resisting the proposals.

- 5.3 Ultimately what is the purpose of planning? This involves considerations about what a society wants from urban change, to what extent governments should limit the operation of the market in pursuit of private interests and lastly what government should deliver in the public interest. Therefore at the heart of planning are issues of democracy. What the Planning White Paper brings to a head is a clash between competing visions for the future of planning: one based on a centralised, rules-based, streamlined, fast, and deregulated structure versus a values-based one that is democratic, transparent, accountable, equitable, outcome-focussed and which positively promotes the achievement of sustainable development. The Planning White Paper proposes change based on the first of these visions for the future. The choices made now will define the future for several generations to come which makes the consultation response of the City Council crucial in a seeking to persuade the Government to take a fundamentally different direction in relation to its proposed planning reforms.