



29th October 2020

Consultation on Planning White Paper,
Ministry of Housing, Communities and Local Government,
3rd Floor, South East Fry Building,
2 Marsham Street,
LONDON,
SW1P 4DF

Dear Sirs,

Planning White Paper consultation.

Submission by the Land Promoters and Developers' Federation (LPDF)

1. About the LPDF

The Land Promoters and Developers' Federation (LPDF) comprises the UK's leading land promotion and development businesses. We have some 27 members and 51 affiliates who specialise in the promotion and development of particularly strategic land for both housing and commercial development, throughout the country – helping to generate homes and jobs and to move towards delivering the Government's target of building a minimum of 300,000 new homes per year by the mid 2020's.

Following a gradual change in the development market over the last decade, land promoters and developers have adopted a business model which provides a vital service to housebuilders, local communities and the nation by sourcing land, delivering implementable sites and de-risking the process for the house-building industry, to enable housebuilders to excel in what they do best – building high quality new homes underpinned by strong principles of place-making.

Our members promote sites ranging from 20-30 dwellings to schemes of 10,000 new homes or more, both on brownfield and greenfield sites. Having sourced and selected the land from a variety of different landowners, they undertake the patient work of negotiating on the land, and then promoting, servicing, and preparing it to bring forward sites which are 'ready to go' so that homes can be delivered quickly for the housing market. These are sold on to housebuilders, both large and small, providing a full range of sites to meet a variety of needs and demands. The willingness of the LPDF's members to risk their capital on promoting land through the planning system aids the Government's objective of diversifying the base of housebuilders who will ultimately deliver the 300,000 new homes as many would have insufficient financial resources to undertake this task themselves.

2. The need for change?

First, we welcome and wholeheartedly concur with the intent, aspiration and ambition which lies at the heart of the White Paper, to enable the planning system to deliver a minimum of 300,000 new homes per annum by the mid-2020s.

In arriving at the views expressed within this response we have engaged fully with all our members and consulted with many organisations, including the HBF, LGA, RTPI and CIC. All acknowledge the need for change and improvement in the planning process but it would appear that none are wholly convinced that it is beneficial to overhaul the entire planning system. We would agree. The planning process is indeed bureaucratic, time-consuming and often frustrating, but the Federation does not believe that a fundamental change to the planning process will actually achieve the objectives set out in the White Paper – all of which are entirely laudable – especially in the short term.

In our view, a more thorough, immediate review of the operation of the existing system, with changes made through the NPPF and NPPG, minimising the need for primary legislation would yield much greater benefits in the short term. Any major change to the system is likely to lead to a hiatus in the Local Plan making process which will endanger the key role that the sector can play, as currently, in the economic recovery which will need to take place and be sustained post pandemic.

The LPDF remains fully supportive of a Plan-led system, and we therefore consider that the focus should be on ensuring that there are up-to-date Plans that are flexible enough to deliver over 300,000 dwellings per year. The NPPF already pushes for much of this, however the abuse of footnote 37 in order to avoid reviewing Local Plans that are clearly out of date and the ‘gaming’ of the housing need system is undermining many aspirations of national policy.

Our three key messages in terms of improving Plan making, which should be driving the delivery of 300,000 homes a year are:

- Binding housing requirements should be brought in across the country that set a minimum housing requirement necessary to deliver 300,000 dwellings per annum;
- Once 5 years old, unless independently reviewed and found to be up-to date, **all** Local Plan policies should be considered out of date. Statutory designations that are protected by separate legislation such as SSSIs, National Parks or AONBs would still quite rightly be protected; and
- Once Local Plans are Submitted for Examination, Inspectors should be empowered to make the requisite changes to make a Plan sound and the current process of returning unsound Local Plans to LPAs for amendment should be stopped as it is both time consuming and ineffective.

If wholesale change is viewed as necessary, the transition should be a long one to enable the proposals contained within the White Paper to become fully conceived, whilst allowing the immediate review of the existing system to play its part in sustaining and expanding delivery in the short term.

3. Reflecting on the White Paper introduction

The LPDF does not fundamentally disagree with any of the points made within the White Paper under ‘The challenge we face’, though we believe that in a number of respects the points have been over emphasised to justify the need for the scale of reform potentially proposed by the White Paper.

Neither do we disagree with the aims stated under ‘A new vision for England’s planning system’. However, it is arguable that many of these aims can be achieved by focussed changes to the existing system (as highlighted above) rather than the fundamental reform proposed which could see a hiatus in delivery in the parts of the country where need is most acute.

4. In Conclusion

We wish to help the Government deliver on its housing objectives in the most swift and efficient way possible without creating damaging structural changes which could set back progress rather than taking it forward. When our nation is likely to require the housebuilding sector to play a great part in its economic recovery from the pandemic we do not feel that asking either local authorities or industry participants to cope with the impact of fundamental changes is appropriate. Indeed, it would still not address the changes that need to be made immediately to ensure that housebuilding levels are maintained and grow towards the Government's target over the next 5 years.

In conclusion, though we feel there is much to support within the White Paper and we have responded positively to the individual questions in the document within our Appendix to this letter we believe that there remains the requirement for urgent action at present to make the existing system operate more efficiently. We would be happy to continue discussions on the proposed reforms and explore how those recommended proposals could be implemented in the most effective and appropriate manner as well as to discuss the imperative for the immediate reform we highlight.

Yours sincerely

John Acres
LPDF Policy Director.

Sent to: planningforthefuture@communities.gov.uk

APPENDIX

Measuring the strength of the White Paper Proposals - The 24 questions.

The White Paper summarises the Government's proposals within paragraphs 1.15-1.20. However, we consider the individual questions in **Pillars 1, 2 and 3** separately within this Appendix.

Pillar 1. Planning for development.

Proposal 1: Simplifying the role of Local Plans – Growth Areas, Renewal Areas and Protected Areas.

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

Our members would welcome the simplification and streamlining of Local Plans with shorter and more succinct documents which can be prepared, tested and adopted more quickly. We support the idea of Local Plan information being contained within a simple map-based strategy which is consistent with national policy and integrated with its neighbouring authorities. We also support more standardisation to achieve quicker and more comparable and consistent outcomes, with development policies largely standardised at the national level.

However, the LPDF is by no means convinced that a new basic 3-tier categorisation of planning 'zones' will either be simpler, better understood, more effective or will achieve better outcomes. Above all, it would require new legislation and lead to years of upheaval during the prolonged transitional period.

The proposed system of zoning categories – ***Growth Areas, Renewal Areas and Protected Areas*** – gives a superficial impression of simplicity which belies the current intricate pattern of different land uses. The planning process needs a degree of flexibility to operate within a changing economy, which is not reflected within the proposed zoned approach.

In addition, whilst we are supportive of the move to a map-based system, we are not convinced that the proposal for growth/renew/protect is that different to the current system of allocations/inside settlement boundaries/outside settlement boundaries/designated areas (AONB, SSSI, etc).

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

Question 6. Do you agree with proposals for streamlining the development management content of Local Plans, and setting out general management policies nationally? Yes broadly – but subject to our comments outlined below.

The LPDF agree that clearer nationally based general development policies would be welcome, however there may still be a need for a degree of policy provision at the local level to reflect specific local environments/circumstances. It will be important to ensure that the time taken to produce local policies does not undermine the quicker delivery of Local Plans.

The idea of considering applications through machine-readable screening is in its infancy (having been tried as an example in Milton Keynes). It seems doubtful whether potentially complex applications will be capable of being assessed in this way. However, there may be scope of screening-out simpler applications to reduce the overall workload. Planning is essentially a value driven process which cannot be reduced to automation and algorithms.

Proposal 3: Local Plans should be subject to a single statutory ‘sustainable development’ test:

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?

No. This would significantly ‘lower the bar’ in terms of Local Plan quality – and this is a bar which, based on the successful delivery of Local Plans and flexibility to react to change, is already far too low if we want to get to 300,000 homes a year.

However, in our view perhaps the most important change to the tests of soundness – whatever wording is used to describe the tests – would be to take the power from LPAs to remedy deficiencies and empower Inspectors to make the necessary changes to make Plans sound.

In terms of the alternative option, the LPDF is firmly of the view that reserve or safeguarded sites are dreadfully underused in Plan-making currently. They are a simple and expedient way to build flexibility and a considered long term view of growth within a Local Plan, ensuring that a LPA retains control of directions of growth, if their preferred strategy fails to deliver the required levels of development

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

Whilst we are supportive of the binding housing requirements, we consider that there is still a need for co-operation in relation to the provision of infrastructure and the appropriate dispersal of housing across a housing market area.

We consider that County Councils and Unitary authorities could play a key role in ensuring that there is cooperation on cross-boundary matters where necessary and an Inspector examining the Plan could ensure they were satisfied through the tests of soundness that there had been sufficient cooperation.

Proposal 4: A standard method for establishing Housing Requirement figures focused on releasing land where affordability is worst and factors in land constraints and opportunities to identify land in the most appropriate areas and ensure 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? Yes, and we would welcome the opportunity to engage with MHCLG on how this can be formed. We consider that the approach set out in the changes to the current planning system provides a sensible starting point for this consideration, however it has also led to some undeliverable outcomes in some LPAs (especially in London).

It is in our view vital that in considering the level of constraints that time is taken to consider more important and justified constraints on growth – such as SSSIs or AONBs, which are protected by separate legislation – in comparison to locally set spatial distribution policies such as Green Belt or Green Wedges which are not based on the quality of specific land parcels.

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? Yes – affordability should be a key driver to setting housing requirements, provided it does not lead to a level of growth that is beyond the capacity of an area. See also LPDF comments on the Government’s consultation paper – ‘Changes to the current planning system’.

We support the principle that housing provision should be directed to areas and places where affordability is most acute, but we also consider that sufficient homes should be provided where there

is potential for change and growth where there is scope for a 'levelling up' of investment. We therefore support a re-assessment of the current proposed SM which would avoid 'surplus' provision in London (which may never be delivered) and focus more in the Midlands and the North where the SM provides a clear shortfall – this can be done by adjusting the assumptions and formula to achieve a better balance.

If the Government is to hit the 300,000 target (even with 'binding' housing figures) there must be performance targets against which both land capacity and housing delivery can be measured. If needs are to be met where they arise it will also be important to consider constraints related to specific areas of land and protected by separate legislation (i.e. AONBs/SSSIs/National Parks) are considered as a higher level constraint that land use designations designed to direct development, and not linked to the quality of the land (i.e. Green Belt).

We also consider that it is vitally important for the 5 year housing land supply target to remain. This is an essential safeguard which ensures future land supply. We also feel that the Housing Delivery Target is an important benchmark to measure past housing performance. The Government's proposal to remove the former and retain the latter will not therefore provide an adequate safeguard within a Local Plan system which is subject to 5 yearly reviews. By the time the Housing Delivery Test reveals a past shortfall – it will be too late.

Proposal 5: Areas within Growth Areas, suitable for substantial development, would automatically be granted 'outline planning permission' with automatic approvals for pre-established development types in other areas suitable for building.

Question 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? Not sure. Far more work needs to be done to think through the implications of this proposal.

Question 9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? No. There are likely to be serious unintended consequences arising from these proposals. Protected Areas will blur the distinctions between constraints and create public confusion.

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? Yes. This may be beneficial.

The LPDF's comments on the proposed policy for **Growth Areas** must be viewed in the context of our comments on Proposal 1. (Qu 5.) We warmly welcome the principle of seeking easier and quicker routes to planning consent, but are unclear about the status which 'outline permissions' would have and for what purpose. Members welcome the concept that major sites allocated for development (whether new settlements, urban extensions, simple allocations or brownfield redevelopment sites) should be regarded as 'agreed in principle', without the need to debate the principle of development again through the outline or full application. This could be achieved by prescribing the scope of consideration at 'reserved matters' level to avoid the principle of development on 'allocated' sites being challenged subsequently at Committees. However, if sites are to be granted 'automatic' outline consents, there needs to be clarity about the nature of the proposal, the basic infrastructure requirements and whether any fundamental constraints (landform, heritage, landscape, etc) exist before the developer can assess the value, feasibility and viability of the site.

Changing the planning system to provide more certainty for developers will necessitate much more 'up-front' technical work to prepare the proposal and ensure that an allocation (or outline permission) is deliverable. Planning and development take time and is inherently complex and costly. This may

work against the Government's objective of reducing up-front cost thereby enabling a diversity of housebuilder involvement in the planning system. If to the contrary and the 'outline' provided by being a Growth Area is what may be viewed as a 'bare outline' this will create problems within the land market as many sites are sold unconditionally with an outline at present and would also create funding issues as banks and equity funders would not be willing to advance finance whilst so many technical matters remain outstanding. How the planning system is changed cannot be divorced from the practicalities of how the land market operates and how housebuilding is funded.

The menu of options for securing detailed consents are sensible – but will be covering a much wider range of issues than within current RM applications.

We welcome the acceptance that there should be a clear 'presumption in favour of development' in **Renewal Areas** – but again, presumption for what? There will need to be a more detailed layer of zoning, rules and regulations for the 'presumption' to work. Further work needs to be done in considering the three options outlined in the proposal; 1. Pre-specified forms of development – given automatic consent – subject to design code, including 'fast track to beauty' proposals, 2. 'Other' types of development – given a faster route to consent and 3. Local or Neighbourhood Development Orders.

The policy for **Protected Areas** would appear to be subject to current procedures but the 'bar' will inevitably be higher in future since the public will assume these areas are 'out of bounds' for development. Depending upon how widely the 'protected areas' are drawn, this could leave smaller communities struggling to justify even modest growth – and developers (above all SMEs) faced with a difficult challenge to build for even local needs.

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?
Yes. The LPDF broadly supports this initiative.

We agree that time limits for consents should normally be seen as firm deadlines rather than aspirations. Giving Highway Authorities and Highways England tougher targets (and /or penalties when they fail to meet them) may be one idea to speed up the process. We would welcome the refund of fees where LPA's fail to perform. Whilst Government may wish to reduce the number of appeals – which are inherently costly and time-consuming for all concerned – this sanction must remain available to the developer as a fall-back. The Inspectorate is a vital and independent check on the working and fairness of the system.

We welcome the proposal for shorter Planning Statements, a reduction of the scale of Sustainability Assessments, limiting the detail within EIA's and SEA's and selectivity of information requirements.

Digitisation will also be helpful in improving efficiency for both local authorities and developers (indeed much progress has already been achieved), but we would not favour the principle of algorithms determining decisions nor are we convinced that so-called 'Smart' decision-making processes (promoted by Tech Companies who have little or no direct planning experience) is appropriate. Planning is inherently a value-driven process which combines art and science and relies on experience, judgement and skills rather than simply automated 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.

Question 11. Do you agree with our proposals for accessible, web-based Local Plans? Yes. Broadly. This proposal is also addressed under proposal 2 (Question 6) and should have been combined.

We welcome the proposal for simpler, more standardised Local Plans, which improves accessibility to those seeking to engage in the Local Plan process

However, whilst digitisation and social media has a role in the formulation of peoples' views, we have concerns about over-dependence on social media results which tend to result in populist and maybe unrepresentative outcomes which may be heavily influenced by lobbying and triggered by the nature of the questions asked.

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? Yes. If it can be realistically achieved.

A more structured 'Business plan' approach to Local Plans is long overdue. We also support the proposal for statutory 5 year reviews (where all authorities update their plans – not simply self-certify their plans without undertaking a full update). We welcome the idea of a statutory timetable of 30 months for Local Plans.

To empower LPAs to react positively to this change we consider that once more than five years old, unless independently Examined and found not to require reviewing, all Local Plan policies should be considered out of date. Statutory designations that are protected by separate legislation such as SSSIs or AONBs would still quite rightly be protected, however spatial policies set at the local level to direct growth such as settlement boundaries or Green Belt should be considered out-of-date until reviewed in an up-to-date Local Plan.

There will also need to be a critical review of resources both within LPAs and within PINS to deliver this new streamlined system. It will also put greater pressure on the development industry due to the amount of upfront work required to support the preparation of the Local Plan and associated zoning approach.

In terms of the **alternative option**, we do not favour the loss of the 'right to be heard' which is a basic check on the planning system and essential to protect democracy – whether for local people, landowners or developers. There are already methods of 'grouping' objectors and 'controlling' promoters of omission sites – which arguably go too far in preventing contributions.

We would also be strongly opposed to any proposal to remove the Examination and move towards self-assessment of plans which would be a dangerous and retrograde step. Once again, we would not favour a vague 'Sustainability Test' which would be toothless and poorly understood by the public. Local Plans need to be judged by proper soundness tests which maintain adequate standards and which benefit the importance of the decisions being made.

To speed up Local Plan making it is vital that once submitted for an Examination and Inspector is given full power to amend a Local Plan as they deem necessary in order to make a Plan sound. This should include adding or removing or changing growth requirements and allocations.

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? Yes – however, especially in light of the quicker Local Plan timescales, they should only be allowed to be produced in support of an up-to-date Local Plan – not come ahead of Local Plans.

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?

There is an urgent need to review the role of Neighbourhood Planning within the planning system, especially in the context of the review of Local Plans. Currently, Neighbourhood Plans are a valuable expression of local choice and voluntary effort enabling people to shape their own communities. However, it is clearly fundamentally wrong that NP's should be given the same 'status' as Local Plans (as part of the formal Development Plan) when their preparation is undertaken to lower standards and they are subject to a much lower level of scrutiny – invariably without a formal public examination.

In the view of the LPDF the contribution of NP's in delivering additional housing has tended to be exaggerated; in most cases sites in NP's are already committed in Local Plans or emerging plans not yet adopted. In many cases NP's have 'closed off' options for housing in future Local Plans by pre-judging or in some cases over-taking Local Plans in order to frustrate development.

In the LPDF's view there should be stronger safeguards to compare and contrast schemes for development within Neighbourhood Plans to ensure that they are subject to independent scrutiny. As planning gets closer to the local level there is a serious danger that decisions can be made through personal lobbying or by way of direct collusion or coercion which is a weakness of the NP process.

Neighbourhood plans might be a focus for judging local Design Codes – determined by local people to protect local character. However, again there is a danger that this might impose unrealistic expectations (such as the use of local materials) which could preclude viable development.

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? Not sure, more detail required. The LPDF feel that there are already adequate measures to monitor build-out of consents (which are after all, permissions not obligations). Close monitoring though the Housing Delivery Test and Trajectory planning is also important.

The key to delivering more housing is to ensure that the planning application process is smooth running and pre-commencement conditions are kept to a minimum. Land promoters find that S106 negotiations are one of the biggest causes of delay in delivery. In terms of land supply, it is essential to ensure that there is a wide portfolio of sites and a varied range of dwelling types and tenures (recommended by Letwin) to ensure that no landowner or housebuilder can command a monopoly.

Masterplans and design codes are helpful in guiding the form of development but have limited control over the rate of delivery. However, breaking up sites into phases controlled by different builders may assist in speeding up delivery by creating competition and choice. Other measures, for example in the 'Changes to the Current Planning System' – including extra help for SME builders which may assist in stimulating capacity in the building industry. The LPDF would welcome this initiative. LPDF members sell sites to housebuilders both large and small.

Pillar 2. Planning for Beautiful and Sustainable Places.

Question 15. What do you think about the design of new development?

Question 16. Sustainability is at the heart of our proposals. What is your priority for sustainability?

The LPDF welcomes the renewed emphasis on good design and are fully supportive of measures to raise quality in urban design, improve housebuilding and create attractive places and spaces. Land Promoters, in seeking outline permissions, are at the forefront of creating well-designed places. However, the design of new homes themselves is largely determined by building regulations and general design standards both for the construction of buildings and for associated infrastructure, including highway design. We therefore look forward to the Government's response to the '*Building Better, Building Beautiful*' report and also the production of the '*National Design Code*' in the autumn.

We do however detect a clear tension in the White Paper between standardisation (including the introduction of Design Codes which are likely to prescribe the form of development) and creating flair, flexibility and design innovation. Volume housebuilders are often criticised for producing mediocre dwellings and standard house types and yet the narrative within the White Paper points both towards more traditional house types – Georgian terraces and Victorian mansion blocks – and also 'pattern book' housing which may receive a 'fast track' to planning consent.

The emphasis on 'beauty' within the White Paper also creates a dilemma for designers. 'Beauty', as they say, is in the eye of the beholder. Different people value differing qualities in the design of homes and spaces. This concept may be difficult to capture within a Design Code. All development, whether perceived as good or bad has ultimately been approved by a decision-maker – planning officers, elected members, planning committees or Planning Inspectors. Perhaps the emphasis should therefore be on training decision makers about what makes good design.

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? Yes. We broadly welcome the approach towards establishing Design Codes, subject to the caveats outlined below.

We would hope that the forthcoming guidance within the National Design Code will set a clear model for locally-based Design Codes supported by suitable training. We are concerned however that there is a clear dichotomy between speeding up the planning process by streamlining and simplifying Local Plans and the shift towards locally based Design Codes which will be subject to full public consultation (without which they will not achieve full weight). It is important that Local Design Codes do not slow down the planning process and possibly undo the gains achieved in speeding-up Local Plans. They therefore need to be subject to a strict timetable which dovetails with the programme for Local Plan delivery.

Local Design Codes will need to address different character areas, architectural time-periods and development forms all of which will require different approaches. (The informal and intimate character within a country town may not be appropriate in a housing estate). Local Design Codes will therefore need to tackle the many cultural, locational and functional differences within townscapes.

Typically, highway design requirements tend to supersede other more intuitive design inputs. This is important since rigid highway standards – widths, curves, slopes and corners – are often the curse of ‘beauty’ and good design. Local authorities therefore need to explore the relationship between highway standards and urban design and apply the guidance within Manual for Streets and Manual for Streets 2 in striving for better design.

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? Yes. This would be a valuable step in securing better design, improving delivery and creating more integrated development. We welcome the commitment to focusing more resources on planning.

We are supportive of the merits of setting up an expert body (along the lines of CABE) to oversee the production and use of design guidance and codes and we also warmly welcome the idea of (re) establishing Chief Planning Officers to take a stronger role in delivering better places. We feel the Terms of Reference for the new body and the Job description for the new Chief Planning Officers must be carefully framed so that they have a broader role in promoting good planning, encouraging housing delivery and achieving economic development – not just focusing on design – important though that is. Sourcing funding will be an important key to this.

The White Paper emphasises the important contribution of effective leadership and co-ordination. The planning process effectively encompasses this function – taking a wider vision and translating it into growth and change which delivers attractive new development leading to quality places.

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? Yes. We would support Homes England giving a greater emphasis to design in their work (if they do not do so already).

We would not however necessarily support Homes England being given a wider role in determining Design Guidance or planning more generally which might encompass the private sector.

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? Yes. But we are cautious about the proposal. At what point in the decision-making process is decision taken that the scheme is beautiful, and will therefore be fast tracked?

The LPDF would be supportive of any ideas for streamlining planning consents (especially dealing with more routine matters which often delay progress). We are sceptical however whether either local authorities or communities will find it easy to define ‘beauty’ and therefore be able to judge whether a scheme passes the ‘fast track’ test. We therefore welcome more detail on this – which may emerge from the National Design Code likely to be published later in the autumn.

Land promoters routinely commission Master Plans for major development proposals and place a strong emphasis on good urban design. However, they are not generally in control of the detailed layout or the specific house types. Further work therefore needs to be done to consider how land promoters can fit in to the 'fast track' regime. We look forward to the pilot programme outlined in paragraph 3.21.

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.

The LPDF naturally supports wider measures to combat climate change. Further consultative work needs to be done however to translate the implications of 'mandatory net gains' and how biodiversity net gain is achieved. The LPDF broadly supports the ambition of introducing street trees and greater tree cover, but some examples of Biodiversity 'offsetting' initiatives trialled so far have proved both costly and time-consuming – simply shifting benefits from developers (and home owners) to farmers.

However, moving to net zero carbon by 2050 is ambitious as we don't yet know what net carbon zero means in the context of housing? What will it mean for how homes look and function? Is net zero the built fabric or the whole construction process.....if the later it is almost impossible for the planning system to police.

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.

The LPDF wholeheartedly agrees that there should be a shorter, simpler and more targeted approach to Environmental Impact Assessment to replace the voluminous EIA's currently produced by specialist consultants which often disguise the genuine impacts through their complexity. EIA should focus on outcomes and not get bogged down in process, which can often be prone to litigation.

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

A review of the planning framework for listed buildings and conservation areas would be helpful to address the concept of 'impact'. LA Heritage Officers should be much clearer about their assessments of 'harm' in the context of proposals for development. There is also a tendency for small proposals and changes to Listed Buildings to occupy a disproportionate amount of staff resources which could be redeployed on more significant projects and issues.

Proposal 18: We will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

LPDF members play a key role in shaping communities with energy efficiency in mind and they will continue to plan positively on that aspect in their Master Plans and proposals. We look forward to the Government's response to the Committee on Climate Change's report on the Future Homes Standard.

Pillar 3. Planning for Infrastructure and Connected Places.

Proposal 19: CIL 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 CIL and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

In principle, the LPDF supports the introduction of a consolidated Infrastructure Levy (IL) subject to the caveats outlined in this response. In particular, there is a danger that if implemented without sufficient flexibility within it, a standard charge approach will make it very difficult to produce a one size fits all style levy when applying it to different types of site, different kinds of development and different market areas around the country.

The LPDF feel there are some clear advantages of exploring a possible Infrastructure Levy review as proposed in the White Paper, on the following grounds:

1. To create a simpler and fairer system, (CIL is only adopted in 50% of authorities and some development is exempt);
2. To create a system which is more transparent in terms of the contribution made by landowners/developers, and incorporates affordable housing (which is a developer subsidy);
3. To change to a system which moves with the vagaries of the market;
4. To pay at the point where the development is occupied (and the sales return is received);
5. To adopt a fairer system where all developments, including smaller sites, make a contribution.

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?

The LPDF would consider that the alternative option set out in the White Paper would be more appropriate, where IL should not be optional but be set by individual Local Authorities (LAs).

The viability of sites will vary wildly across the country, depending on numerous factors but in particular the characteristics of the local housing market area. It is therefore critically important that any single tariff-based infrastructure charge must reflect local circumstances and thus be set at a local level. It is apparent that the setting of CIL rates across the country, and indeed even within local authority areas differs greatly. The complexity of setting a rate that is affordable in all circumstances is a highly complex exercise and one we suspect is more difficult to implement than the white paper acknowledges.

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?

If introduced, the IL should not seek to capture a level of value greater than that already captured, as any greater value will stifle delivery and further slows down the process. Landowners and land promoters already make substantial contributions from development gain through CIL, S106 agreements and through Capital Gains Tax and Corporation Taxes. In 2019 LPDF calculated that over

50% of the Gross Land Value is returned to the community or the Government either through tax or through developer contributions.

Whilst it is easy to define whether a Levy is successful through monetary value alone, this should not be the sole determiner. The success of such a Levy should also be measured in the time saved negotiating developer contributions and the timely delivery of necessary infrastructure.

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

Yes. However, we have significant concerns that local authorities alone should not be responsible for the delivery of infrastructure. There has been considerable reluctance from Local Authorities to borrow against future CIL receipts and we struggle to see how this will change in the future. The proposed IL does not seem to allow sufficient flexibility for an either/or option of infrastructure delivery, where developers of larger sites in particular can bring forward infrastructure in conjunction with the local planning authority.

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?

Yes. There is a clear logic that any development which achieves a development gain above the basic threshold should contribute to the Infrastructure Levy – to do otherwise would give a double benefit for developers who already enjoy the advantage of a ‘fast track’ process. In addition, as recommended by the CIL Review team if a standard tariff is introduced, it should apply to all forms of residential development, including householder developments and self-build properties.

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?

Yes, provided that the level of affordable housing to be provided is locally set, viable and deliverable.

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?

No. This approach will result in the potential for negotiations to become protracted and will defeat the main object of the IL, being speed and transparency. Once the IL is paid, there should not be any further obligation on the developer to provide infrastructure.

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

N/A.

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?

No. This would be controlled through the normal planning application process.

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?

The LPDF strongly objects to this proposal.

The link between provision of new housing and infrastructure needs to be clear, transparent and easy for local people to understand. The White Paper seeks to ensure that the public is more involved than ever in the planning system, so to remove the link between new development and the provision of infrastructure would be counter intuitive and damage any remaining trust in the system. In addition, those who have purchased a new house in an area should, quite rightly expect the associated level of infrastructure improvements that are required as part of that development being brought forward.

Delivering Change.

The closing section of the White Paper addresses the 'next steps' and the anticipated transitional arrangements. It suggests that *'It is important that in bringing forward reform to improve the operation of the planning system, we do not cause delays to development that is currently planned'*.

Yet transitional costs and delays are inevitable and need to be carefully factored into the proposals to decide whether the 'costs of change' are worthwhile and will outweigh the overall benefits likely to be achieved. Normally there is an Impact Assessment accompanying any Government proposals. This White Paper appears to lack that level of depth.

Further work needs to be done to address the detail of the proposals and consider how the two planning systems (the current Local Plan process and the proposed 'zoning categories' system – each with different application requirements) would work in practice.

A hiatus will doubtless occur whilst authorities decide whether to continue progressing their current Local Plan reviews (or wait for the new streamlined process) – many are holding back at the moment. There will also be an inevitable impact from the publication of the new SM2 figures whilst Councils second-guess the outcome of the *'Changes to the Current Planning System'* consultation.

The LPDF and its members will work positively with Government to achieve improvements to the planning system and above all, help to enhance housing delivery.

John Acres

LPDF Policy Director

29th October 2020