



Responding to the planning reform White Paper 'Planning for the Future' – a guide by the TCPA

October 2020

1. Introduction

The planning system has a massive impact on our daily lives. What we build and where we build it affects our health and well-being as well as the natural environment and climate change. It is therefore vital the system can support the creation of high quality and affordable places. It is also vital that the system gives local communities real power over the decisions that affect them most.

The current planning system in England is far from perfect and many of the changes over the last ten years have undermined public trust. But now the Westminster government has published a [Planning White Paper](#) to radically reform the planning system and is inviting responses.

If you care about your neighbourhood it is vital that you respond to the Planning White Paper consultation. This guide aims to help people to respond whether you are responding as an individual or on behalf of an organisation. The guide does not cover all of the 26 questions posed in the White Paper but does set out some key points we hope people will consider including in their responses. As well as responding to the consultation you might also want to consider talking to your local MP. Find out how to do that [here](#).

The TCPA have published a number of resources about the Planning White Paper and our position. If you would like to access more information, including our analysis and a FAQs document, to inform your response, please visit <https://www.tcpa.org.uk/Listing/Category/white-paper-response>.

We hope you find this guide useful. But, whatever you think of the Planning White Paper, please respond to the consultation to make sure your voice is heard and so that reforms to the planning system make sure it is both accountable and effective.

2. Key information

The deadline for responses is 11.45pm on 29th October. There are a number of ways you can respond.

You can submit your response via a survey available at:

<https://www.smartsurvey.co.uk/s/MHCLG-Planning-for-the-Future/>

You can email a response to planningforthefuture@communities.gov.uk.

You can post a response to:

*Planning for the Future Consultation
Planning Directorate
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF*

If you are writing a response by either email or post the Ministry of Housing, Communities and Local Government asks that you include: your name, if applicable your position, and, again if applicable, the name of organisation you are responding on behalf of.

3. Developing your response

The White Paper sets out 24 specific proposals and asks 26 questions, although the questions do not offer an opportunity to comment on all of the proposals. The White Paper is available [here](#).

Rather than covering every question in the White Paper, **this guide pulls out some key questions and sets out issues you might like to raise if you are submitting a response.** We encourage you to tailor your response to cover the issues of most importance to you.

4. Overarching comments to include in a response sent by email or post

If you are emailing or posting your response rather than using the questionnaire, we would encourage you to make an overarching comment about the purpose of planning and the need for the reforms to provide clarity around this.

Possible text to use:

The White Paper states the reforms attempt to rebuild trust in the planning system and promote good design. These aspirations are welcome, but the specific proposals focus on streamlining processes and removing key opportunities for participation like the right to be heard in person at planning inquires.

Clarity about the purpose of the planning system is essential to inform the reforms and in guiding a new system once it is in place. The reforms must put in place a clear, statutory purpose for planning which focuses on sustainable development and the health and well-being of all of us.

The new purpose of planning should be “to positively promote the long-term sustainable development of the nation and the health, safety and wellbeing of individuals. Within this, ‘sustainable development’ should mean: a) managing the use, development and protection of land, the built environment and natural resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs; and b) promoting social justice and reducing inequality.”

Clarity around the purpose of planning would help restore confidence that decisions were in the wider public interest and not dominated by the needs of developers. It would give us all confidence that the system was about making healthier, more sustainable places and not just about housing numbers.

5. Answering specific questions in the consultation document

Questions number two and 15 are set out below. We have not suggested a response to these particular questions, but you might like to include them in your response as they are an opportunity to personalise your comments.

Question 2. Do you get involved with planning decisions in your local area? [Yes / No]

2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

Question 15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Below we set out a number of questions with responses you may like to use.

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

No – I agree that there is a need to make local plans more accessible and visually engaging, but they need to be about much more than simply allocating land for development. The Planning White Paper recognises the importance of planning and the impact places have on people’s mental and physical health. But then it goes on to propose that local plans will become shorter and “limited to no more than setting out site- or area- specific parameters and opportunities”¹. Development management policies will sit at the national level. And that it is envisaged that requirements should be “machine readable”².

Local plans should set out positive visions for the future of areas. There is therefore a need for clarification about how local plans and decision making will take into consideration important issues such as the impact of proposed development on health and wellbeing and climate change. For example, how can positive policies about active travel or climate change, which may be set out in the National Planning Policy Framework, be taken into consideration for schemes coming through in ‘growth’ or ‘renewal’ zones? How will the new system make sure local plans are ambitious about promoting equality and reducing socio-economic exclusion?

If the reformed system is to deliver better outcomes, which is the aspiration of the White Paper, there need to be assurances that those outcomes will not be solely based on local design guides. Plans need to address much more than just housing design and ensure that climate and human health are at the heart of planning for transport, employment, minerals and waste.

In light of the importance of local design guides in the new system, and to make sure that they carry sufficient weight and local communities are central to their development, the proposals should be revised so that local design guides must be developed for inclusion in the local plan, rather than it being seen as a ‘twin track’ approach.

Both design guides and local plans should be underpinned by strong, legally binding minimum standards on all issues which determine the decency of our homes, including minimum space, access to green areas, fire safety, climate change, walkable neighbourhoods and air pollution. These should be defined at the national level to ensure that all new homes support the health and wellbeing of their residents. Doing so would bring clarity to confusing systems and demonstrate how seriously the government takes these issues.

¹ Paragraph 1.16, 5th bullet point of the web accessible version of the White Paper

² Paragraph 2.15 of the web accessible version of the White Paper

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?

No - The White Paper states: "Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes."

I agree that local plans should be made more visual and accessible and that engaging more people in plan-making would be positive. This should not be at the expense of democratic processes, however, and the government must understand that making a system more accessible to the public is not the same as making it more democratic.

The specific details of the proposals reduce democratic accountability and the individual rights of the citizen to participate and this must be addressed as planning reform is taken forward.

I am concerned that it is unrealistic to propose that the level of detail needed to inform whether or not a large-scale site should receive outline planning permission can be included in a key and annotation supporting a map. References are made in the White Paper to master plans being produced, which are a critically important ingredient to deliver high quality new mixed communities, but it is unclear how existing and future communities will be involved in that process.

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?

No – I am concerned that such a proposal focuses on speed rather than recognising the importance and value of a truly democratic planning system.

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

No – I welcome the aspiration to involve more people in planning and to focus on delivering better outcomes. I am concerned, however, that the specific proposals focus on speed and certainty for developers rather than demonstrating a real commitment to working with local communities.

Question 12. Do you agree with our proposals for a 30-month statutory timescale for the production of local plans?

No – I recognise the proposal includes ‘comprehensive “best in class” ways of achieving public involvement’ at the plan making stage and agree that more can and should be done to involve communities in plan making. But this must not be used to justify the removal of other democratic input. People’s right to be heard in person by a planning inspector must be retained. It is not sufficient to propose that inspectors will have discretion about how citizens can be involved in the examination of local plans.

The right to be heard under Section 20(6) of the 2004 Planning Act is the only clear civil right that exists in the planning process for the individual citizen. It includes the important phrase: ‘Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.’ This allows an individual to appear in front of an inspector and exercise other opportunities to ask questions of witnesses. This opportunity for the public to interrogate the evidence is absent from the major infrastructure regime but crucial to any meaningful opportunity to participate. It is not sufficient to suggest the opportunity to appear at a public inquiry could be replaced with the opportunity for inspectors to have a telephone conversation with the citizen, or ask for further written comments, if the inspector chooses to do so.

The right to be heard in person is even more important because development plans will become the only meaningful opportunity for community engagement.

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

Tackling the climate crisis is the top priority for tackling sustainability in my area.

The planning system has a unique contribution to make in the effective delivery of the UK Government’s carbon reduction target. Planning is fundamental to positively delivering new renewable energy systems, to promoting the carbon performance of what we build, of finding the right sustainable locations and of designing places to support healthy and zero carbon transport options.

It is vital any new planning system should have climate change as its first legal and policy priority. But the White Paper, creates uncertainty about the role of the system in tackling climate change and fails to provide any real explanation of how carbon reductions will be secured through the new proposed framework. Where the White Paper is specific, for example, on the energy performance of buildings, it is

disappointingly unambitious, and states only that “from 2025, we expect new homes to produce 75-80 per cent lower CO2 emissions compared to current levels.” There is an urgent need for clarity about the roadmap beyond 2025 for achieving zero carbon homes.

In considering the objectives of a new planning system for England it is vital that the government sets out clearly how carbon reduction fits with its other objectives around housing delivery and securing beauty. The new system must align the legal objectives of town planning with the 2008 Climate Act. As part of the new system the existing legal duty on development plans to address climate change should be expanded in scope and strengthened in effect. The duty must apply to both development planning and development management and include explicit reference to implementing the carbon reduction budgets required by the 2008 Climate Act. The duty should also apply to the development of any design codes and pattern books and to neighbourhood plans.

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

No – As stated in response to question 5, considering the importance of local design guides in the new system, to make sure that they carry sufficient weight and to ensure local communities are central to their development, the proposals should be revised. Local design guides must be developed for inclusion in the local plan, rather than it being seen as a ‘twin track’ approach.

I recognise that there are examples of local design codes being developed with existing communities and used effectively. They can be positive in terms of ensuring places are more walkable, have access to green space and new development fits with the existing design. Within a reformed system their scope must be broad enough to make sure they deliver beautiful, healthy new homes and development. This should include them being able to set out standards for the quality of new homes, as well as requirements for the external environment. I am concerned however about the extent to which they really will be able to inform development within the proposed new planning system.

The front of the White Paper shows Nansleden in Cornwall, which has successfully developed and used a local design code. A key factor in the success of the code, however, is the control that the Duchy of Cornwall has over what development and changes are allowed in the area. They have much more control than a local planning authority. Further thought needs to be given to how to make sure local design codes or pattern books carry sufficient weight in the system. Especially as permitted development rights continue to operate.

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

Yes – it is important that all homes, including those delivered via permitted development rights, contribute towards to delivery of much needed infrastructure, including but not limited to affordable homes.

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 / No / Not sure. Please provide supporting statement.]

Yes – Section 106 agreements are currently a critically important route for delivering affordable housing and any new system must aim to secure at least the same amount of affordable housing and ideally more. I am concerned however that much more detailed modelling and policy development needs to be undertaken to make sure that this commitment is met.

Question 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

I am disappointed that the government has not undertaken its own impact assessment to understand the potential impacts of these proposals and published it alongside the consultation.

Local plans should be made more accessible and transparent and digital tools have a role to play in that. But those sections of society who are less focused on accessing information digitally should not be excluded from processes.

6. More information

If you have any questions about this guide or the government's planning reform proposals please contact Dr Daniel Slade at Daniel.slade@tcpa.org.uk.

