

Planning for the future

Proposed changes
August 2020

The Ministry of Housing, Communities & Local Government (MHCLG) recently published its proposals for planning reform in the White Paper *Planning for the Future*. The proposals indicate a significant overhaul of the existing English planning system. The main changes proposed include the following:

- Local Plans will designate land according to three areas: Growth, Renewal and Protected;
- production of reduced and simplified Local Plans within 30 months;
- existing tests for Local Plans replaced by one 'sustainable development' test;
- abolishment of five-year land supply requirement;
- new standard method to establish housing requirements;
- abolishment of the Duty to Cooperate;
- abolishment of S106 and CIL, to be replaced by an Infrastructure Levy at nationally set rates;
- retention and revision of the NPPF;
- retention of Neighbourhood Plans;
- public engagement emphasised at plan-making stage; and
- a strong emphasis on design with the production of locally popular design codes.

Summary of proposed changes relating to Local Plans

Under the proposed changes, the function of Local Plans would focus on identifying land for development and determining its uses, as well as sites for protection.

Local Plans should:

- be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places

Land use

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.

Three types of land would be identified in Local Plans: Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected. Growth areas would have outline

planning permission for the principle of development and Renewal areas would be granted a statutory presumption in favour of development.

Development Management

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

Development management policies would be established nationally and altered for Local Plans, which would set rules for development, not policies. The role of Local Plans would be narrowed to identify sites and determine area-specific requirements. This would sit alongside locally produced design codes. As a result, the Local Plan would be shorter.

“Sustainable development” Test

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

Existing tests of soundness would be replaced by a single statutory “sustainable development” test for Local Plans. This would incorporate a version of the deliverability assessment, while removing the Duty to Cooperate and Sustainability Appraisals.

It is unclear how strategic planning issues will be addressed in the absence of the Duty to Cooperate. However, for housing allocations, it is proposed that authorities could determine an alternative distribution of their requirement under joint planning arrangements.

Housing requirement figures

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.

Housing requirement figures would be assessed nationally using a standard method. This would take into account land constraints and affordability, and favour densification and brownfield land use. Local Planning Authorities would be given a binding housing allocation number and then allocate land suitable for housing to meet the requirement. Authorities would identify areas of different development needs for a minimum supply of 10 years. The five-year housing land supply requirement would be removed, while the presumption in favour of sustainable development and the Housing Delivery Test would be retained.

A separate [consultation](#) details proposed changes to the standard method for assessing local housing need which is currently used in the process of establishing housing requirement figures.

Local Plans

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Under these proposed changes, plans would be shorter in length and focused on sites and their requirements. Plans would be composed of an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their Growth, Renewal or Protected designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.

Plan-making and Consultation

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.

The proposal suggests plan-making should follow a statutory timetable of five stages totalling 30 months. Local authorities and the Planning Inspectorate would be required to meet the timetable, with sanctions in place if not met. Plans would be reviewed every 5 years.

1. Public engagement focused on suggestions for land according to the three categories (6 months)
2. Local authority prepares plan and evidence base (12 months)
3. Submission of plan to the Secretary of State for Examination and publicization of plan for public engagement (6 weeks)
4. Planning Inspector assesses plan against statutory test and national guidance (9 months)
5. Finalisation of Local Plan (6 weeks)

Engagement with communities would emphasise consultation at the plan-making stage in an effort to democratise the planning process.

Neighbourhood Planning

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.

Neighbourhood Plans would be retained, with their role possibly narrowed to reflect proposals in Local Plans.

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.

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.

The production of local design codes formed through community engagement would be encouraged. The proposals also consider the establishment of an expert body to support authorities in delivering and monitoring the design codes.

National Planning Policy Framework

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 National Planning Policy Framework (NPPF) would be retained and become the basis for development management decisions. Planning applications for land within Protected areas would be assessed against the NPPF.

Environmental assessments

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.

Current environmental assessments (SEA, EIA, SA) would be simplified into a quicker process with clearer assessment and mitigation requirements. The assessment would be considered at an early stage of the planning process and development proposals. A consultation in the autumn will consider a new system for environmental assessments in more detail.

Summary of proposed changes relating to infrastructure

Community Infrastructure Levy

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.

The Community Infrastructure Levy and the current system of planning obligations would be reformed as a nationally set, value-based flat rate charge: the 'Infrastructure Levy'. A single rate or area-specific rates could be set. The Infrastructure Levy would be collected and spent locally. The proposal considers strategic CIL would be retained to fund strategic infrastructure.

Proposal 19 details several changes:

- The rate would be charged on the final value of the development;
- be levied at point of occupation;
- include a value-based minimum threshold below which the levy is not charged;
- for development valued above the threshold, the levy would be charged on the proportion of the value that exceeds the threshold.

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

The Infrastructure Levy would replace S106 and fund affordable housing in its place. The Neighbourhood Share under CIL would be maintained.

Planning sector

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.

The planning system would be funded by developers and landowners, while planning fees would be maintained to cover the costs of processing planning applications.

An emphasis is placed on developing digital and geospatial capabilities in the planning sector, and developing a strong digital planning system.

Transition and implementation of changes

To ease the transition to this new system, several allowances are made for recently adopted and emerging Local Plans. Further clarifications on the transition will be obtained after the consultation period.

Local planning authorities which have adopted Local Plans within three years of the new legislation would have 42 months to adopt a new Local Plan. For authorities which submitted a Local Plan for examination to the Secretary of State, the 42 months would begin when either the legislation is enacted or the most recent plan adopted, whichever is later.

Planning for the Future details the following on the transition and implementation of these proposed changes:

- responses to this consultation will inform arrangements to minimise the disruption the changes will produce to existing plans and development proposals;
- recently approved plans, existing permissions and any associated planning obligations will continue to be implemented as intended;
- these changes will impact the operation of local planning authorities and the planning profession;
- the work of local planning authorities will shift to producing Local Plans and design codes;
- the different challenges facing local planning authorities will be taken into account and supported through a resourcing and skills framework;
- these changes are not exhaustive and will continue to be developed with input on the proposals;
- reforms will be implemented through primary and secondary legislation, and policy changes based on the outcome of this consultation.