



House of Commons

Housing, Communities and  
Local Government Committee

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# The future of the planning system in England

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**First Report of Session 2021–22**

*Report, together with formal minutes relating  
to the report*

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## Housing, Communities and Local Government Committee

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## Summary

This report considers the Government's proposed reforms to the planning system announced in August 2020. It also builds on our predecessor committee's report into land value capture. We will continue to examine future proposals for reforming the planning system, and stand ready to undertake pre-legislative scrutiny of the Planning Bill.

We heard consistently in our evidence that there was a need for greater detail about how the Government's proposed reforms would work. There were concerns about the omission of various important issues relating to housing and to non-housing elements of the planning system.

### The Government's three areas proposal

The Government has proposed that local areas will be divided (through Local Plans) into three parts: growth, renewal and protected, with different planning rules applying in each. We have sympathy with the Government's wish to enhance the importance of Local Plans, but we are unpersuaded that the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system.

***The Government should reconsider the case for the three areas proposal.***

If the Government does proceed with the principle of the three areas proposal, consideration should be given to the inclusion of additional categories. Further details also need to be provided—particularly around how much detail will be needed in Local Plans, the impact of the three areas proposal on vital infrastructure, and who will be determined if Local Plan requirements have been met.

***Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people.***

### Public engagement and reforms to Local Plans

The Government proposes to shift public engagement from individual planning applications to the Local Plan stage. We found that far more people engage with individual planning proposals and fear that the proposed change will reduce public involvement in the planning process.

***All individuals must still be able to comment and influence upon all individual planning proposals.***

To ensure that public engagement throughout the planning process is facilitated we welcome the Government's plan to expand the role of digital technology. The benefits of virtual planning meetings have been demonstrated during the Covid-19 pandemic and

should be retained. This needs to sit alongside exploring new methods of interaction such as citizens assemblies; ensuring the public is consulted about the draft Local Plan before rather than concurrently with Secretary of State; and through retaining more traditional methods of notification about planning proposals such as signs on lampposts.

**We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area.**

We welcome the introduction of a statutory obligation that requires that all local authorities have a Local Plan. We also support a timeframe for introducing the new Local Plans. But we heard it would be impractical to deliver them within the Government's proposed thirty-month timeframe, and in particular for statutory consultees to comment on each plan during its development. To ensure there is effective cooperation between local authorities the Government also needs to explain how it plans to replace the duty to cooperate that places a legal duty on councils to work together on planning issues that cross their borders.

*The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation.*

## Housing formula

In August 2020 the Government proposed reforms to the current formula (the 'Standard Method') used to determine housing demand in each local authority. Whilst our evidence endorsed the principle of having a nationally set formula, the majority disapproved of this new proposed formula. In December 2020 the Government announced a new approach, preserving the existing formula whilst adding an 'urban uplift' to the demand figures for twenty major town and cities. This would greatly increase the numbers in those areas. We would like clarity from the Government on how these major towns and cities can deliver the housing demanded given restrictions on the availability of land, both in terms of brownfield sites and constraints posed by seas, rivers and protected green spaces.

**We think the Government's abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government's revised approach, announced in December 2020, might work in practice.**

## Housing delivery

To meet the Government's 300,000 housing unit target there is a need to speed up the delivery of housing. The problem of 'build out' rates needs to be tackled, with a mixture of carrots and sticks needed to achieve this.



***The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.***

To command public support there also needs to be greater clarity on why and how the housing target needs to be delivered, including why relying on brownfield sites alone would be insufficient.

***The Government should lay out the evidential basis for its 300,000 housing units a year target and how it will achieve it, both by tenure and by location.***

We support measures to promote specialist, affordable and social housing. Given the failure of the previous Starter Homes programme, a clear timeframe is also needed for delivering First Homes without adversely affecting other housing tenures. To reflect local circumstances, local authorities should have discretion over what proportion of affordable houses must be First Homes.

## Funding infrastructure

The Government has proposed replacing the current Section 106 and Community Infrastructure Levy with a national infrastructure levy. We find that there is a case for replacing the latter, but not the former. Preserving Section 106 will protect against a possible loss of affordable housing. We think that the proposals of the 2017 review into the Community Infrastructure Levy and our predecessor committee's recommendations for greater land value capture represent the best way of ensuring sufficient revenue. If the Government does proceed it will need to charge various local rates and provide additional funding for the infrastructure that will not be met out of the levy revenues.

## Resources

There is a need for additional resources for planning departments, and specialist skills. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as local planning authorities are also operating the current system.

***The Ministry for Housing, Communities and Local Government should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.***

## Design and beauty

We welcome the Government's commitment to enhance the place of design and beauty in the planning system. It was emphasised to us that this enhancement needs to consider

a broader definition of design than one focused on aesthetics, important though that is. This should include ensuring innovations in design are not unduly stifled and the subjective nature of beauty is recognised.

### **Green Belt, and environmental and historical protections**

One of the most contentious issues in planning is the status of the Green Belt. We heard passionate defences of it; whilst also hearing calls for a review of its status.

*A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate.*

A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.

*We recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites.*

# 1 Our current planning system

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## Our inquiry

1. Against the backdrop of the COVID-19 pandemic the Government has proposed reforms to the planning system in England. The Ministry of Housing, Communities and Local Government (MHCLG) launched six consultations in August 2020, including a new White Paper,<sup>1</sup> and consultations on significant changes to the planning system.<sup>2</sup>

2. Given the strong public and planning sector interest in this subject we decided to hold an inquiry to inform the development of government planning policy. Our aims were to assess the Government's proposed reforms and to take stock of the planning system. The inquiry was launched on 8 October 2020. It built on previous committee inquiries into land value capture and social housing.<sup>3</sup> We received 154 pieces of written evidence and held three virtual oral evidence sessions. We heard from fourteen different witnesses representing stakeholders from across the planning system; and our third and final oral evidence session involved questioning the Minister of State for Housing, the Rt Hon Christopher Pincher MP, and the Director of Planning at MHCLG, Simon Gallagher. We also wanted to hear the views of the wider public, knowing how important planning is to many individuals. Accordingly, we undertook a survey to provide a snapshot of wider public views on planning and held an online public engagement event. The findings from these activities are set out in the appendices to this report. We are grateful to everybody who has contributed to this inquiry. We are also grateful for the support and advice throughout this inquiry from our two specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics at the London School of Economics and Political Science, and Kelvin MacDonald, Senior Fellow at the Department of Land Economy, University of Cambridge.

3. The remainder of Chapter 1 deals with views about the current planning system and the Government's proposed reforms. Chapter 2 then concentrates on the Government's three areas proposal. Chapter 3 scrutinises the Government's proposals for reforms to Local Plans alongside the wider question of planning that crosses local authority boundaries. Chapter 4 considers the potential impact of reforms on public engagement. Chapter 5 examines the Government's proposals for reform of the housing formula and the housing delivery target. Chapter 6 then considers the Government's commitment to deliver 300,000 housing units a year. Chapter 7 turns to consider omissions from the White Paper, particular the non-residential aspects of the planning system. Chapter 8 looks at the Government's proposed replacement for the Community Infrastructure Levy (CIL) and Section 106 agreements.<sup>4</sup> Chapter 9 examines the argument for additional

1 MHCLG, [White Paper: Planning for the Future](#), August 2020. Although termed a White Paper it was not presented to Parliament and does not have the customary command number.

2 MHCLG, [Changes to the current planning system](#), August 2020

3 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766; Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173

4 Planning obligations, also known as Section 106 agreements (based on that section of the Town & Country Planning Act 1990) are private agreements made between local authorities and developers and can be attached to a planning permission to make the development acceptable. The agreement refers to the land which is being developed and must be directly relevant to the proposed development. The agreements can prescribe the nature of the development (e.g. requiring a proportion be affordable housing), they can compensate for the loss or damage caused by the development (e.g. the loss of open space), and to mitigate the impact of the development (e.g. through increasing public transport provision).

resources and specialist skills in local planning authorities (LPAs). Chapter 10 focuses on the potentially enhanced role for design and beauty in the planning system. Chapter 11 considers the future of the Green Belt. Chapter 12 examines historical and environmental protections.

## Attitudes to the current planning system

4. The Government's White Paper laid out nine criticisms of the current 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 20th-century technology”,
- “The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear”,
- “There is not enough focus on design, and little incentive for high quality new homes and places”,
- “It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest.”<sup>5</sup>

5. The current planning system received some praise and support in the evidence. Specific aspects of the planning system that witnesses singled out for praise included neighbourhood plans,<sup>6</sup> the “flexibility and democratic accountability” of the planning system,<sup>7</sup> and the protection of the natural and historic environment.<sup>8</sup> Hackney Council declared that “The UK’s planning system is the envy of many other countries. At its core are the principles of sustainable development, social equality and cohesion and balance and fairness.”<sup>9</sup> Planning lawyer Claire Dutch defended aspects of the current system and argued against wholesale reform:

Since I have been in planning, everybody always criticises the planning system, but it is robust. We have a robust legal framework in this country and, by and large, it works. It is not resourced properly ... Some of it needs to be simplified. We do not need to throw the baby out with the bath water. The main things is resourcing to make the current system work.<sup>10</sup>

5 MHCLG, [White Paper: Planning for the Future](#), pp 10–12

6 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Locality ([FPS0086](#))

7 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

8 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#))

9 London Borough of Hackney ([FPS0091](#))

10 [Q91](#) (Claire Dutch)

6. There were also stinging criticisms of the current planning system. PricedOut declared that “Our planning system is broken.”<sup>11</sup> The specialist housing provider Anchor Hanover declared: “the current planning system is not fit for purpose. It is often convoluted, varies wildly in policy-terms from area to area, and results in outcomes and decisions that are often questionable.”<sup>12</sup> Several submissions argued that the failure of the planning system was demonstrated by the housing crisis and a lack of house building to address it.<sup>13</sup> The system was criticised for not delivering enough affordable housing,<sup>14</sup> and housing for disabled people.<sup>15</sup> It was blamed for having reinforced economic imbalances, favouring London and other high growth areas.<sup>16</sup> Other criticisms included that it had failed to provide sufficient replacement minerals;<sup>17</sup> that it incentivised car dependence;<sup>18</sup> provided only imperfect protection for the environment;<sup>19</sup> and did not ensure clean air.<sup>20</sup> Our public engagement survey also highlighted unhappiness at a perceived lack of effective enforcement of planning conditions.<sup>21</sup>

7. Another strand of criticisms in the written evidence concentrated on local authorities, with submissions arguing that Local Plans were either absent or outdated,<sup>22</sup> that there was a lack of regional and strategic planning,<sup>23</sup> that the system was excessively politicised,<sup>24</sup> and that local planning authorities (LPAs) were under-resourced.<sup>25</sup> The process of the planning system also attracted the ire of some. There were allegations of a fixation with process,<sup>26</sup> and widespread complaints that the system was too complex, obscure and slow.<sup>27</sup> Accessible Retail stated that: “The three characteristics most associated by our members with the current system are cost, delay and uncertainty, all of which impact deleteriously

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- 11 PricedOut ([FPS0129](#))
- 12 Anchor Hanover ([FPS0074](#))
- 13 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)) Homes for the South West ([FPS0070](#)) Adam Smith Institute ([FPS0085](#)) PricedOut ([FPS0129](#))
- 14 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))
- 15 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 16 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 17 CLA ([FPS0049](#)), Mineral Products Association ([FPS0050](#)) Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 18 Cycling UK ([FPS0123](#)) Sustrans ([FPS0151](#)). This echoed concerns expressed in the final report of the Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 13–15
- 19 David Eagar ([FPS0009](#)) Woodland Trust ([FPS0045](#)) Water UK ([FPS0140](#))
- 20 Clean Air in London ([FPS0087](#))
- 21 See also Mrs Allyson Spicer ([FPS0162](#)) who commented “It has become apparent what LPAs are actually doing is not enforcement but mitigation.”
- 22 Tamworth Borough Council ([FPS0013](#)) South Worcestershire Councils ([FPS0015](#)) Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 23 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#)), UK2070 Commission ([FPS0128](#))
- 24 Liam Clegg (Lecturer at University of York) ([FPS0019](#)), Peel L&P ([FPS0094](#)), Land Promoters and Developers Federation ([FPS0138](#)), [Q90](#) (Steven Quartermain)
- 25 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Bartlett School of Planning, University College London ([FPS0097](#)), [Q.90](#) (Steve Quartermain)
- 26 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 27 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Accessible Retail ([FPS0053](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Hills Homes Developments Ltd ([FPS0084](#)), Lifestory Group ([FPS0116](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), , Land Promoters and Developers Federation ([FPS0138](#)), GL Hearn ([FPS0141](#)), National Housing Federation ([FPS0158](#)), [Q.65](#) (Philip Waddy)

on the development industry's ability to provide the buildings the nation needs.”<sup>28</sup> The consequence of these problems, according to Midland Heart, is that planning applications for large and complex sites that should take 13 weeks to resolve can take up to a year.<sup>29</sup>

8. Criticisms of the current system sometimes incorporated criticism of the Government's past measures and new proposals.<sup>30</sup> The expansion of permitted development rights and permissions in principle received particular censure.<sup>31</sup> Highgate Society described it as “the disastrous widening of permitted development which means that “planning” for communities is almost impossible.”<sup>32</sup> Other critiques of recent changes argued there had been an excessive focus on housing delivery.<sup>33</sup> Furthermore, the result of proposals supposed to simplify and speed up the planning system had been to make it more complicated.<sup>34</sup> This view was supported at our public engagement event, where we were told:

Our experience is that the system is complex, though that is largely due to a decade and more of ill-considered bolt-on legislation, particularly the widening of permitted developments, which has made a basically sound system hugely more complex, certainly for communities and local authorities, through making it much more difficult for them to holistically plan their areas. (*Participant B, Room 2*)

9. Our public engagement survey and event included various assertions that the system was biased towards developers.<sup>35</sup> This was reflected in several submissions.<sup>36</sup> We were also told a reason for the slowness of the current system were the “overly long or incomplete documentation submitted by developers.”<sup>37</sup> There were complaints that the system favoured homeowners and secure tenants.<sup>38</sup> Our engagement event heard complaints that councillors lacked expertise; and that Planning Inspectors had become more risk averse, for instance through demanding more documentation and rejecting more planning proposals at appeal.

10. These various criticisms suggest that there can be improvements to the planning system. At the same time, in considering the Government and others' proposals for changes, we also bear in mind the salutary warning made by Pocket Living: “Planning is a highly complex eco-system and the history of planning reform includes well-intentioned reforms leading to unintended consequences.”<sup>39</sup>

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28 Accessible Retail ([FPS0053](#))

29 Midland Heart ([FPS0152](#))

30 Tenterden Town Council ([FPS0003](#)), Mark Stevenson ([FPS0083](#))

31 Tamworth Borough Council ([FPS0013](#))

32 The Highgate Society ([FPS0155](#))

33 Ashford Borough Council ([FPS0016](#))

34 NALC ([FPS0021](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Paul G. Tucker QC ([FPS0153](#)), The Highgate Society ([FPS0155](#))

35 See Appendix 1 Para 10; Appendix 2 Para 5

36 London Borough of Hackney ([FPS0091](#)) London Tenants Federation ([FPS0112](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

37 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

38 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

39 Pocket Living ([FPS0023](#))

## The Government's proposed reforms

11. The Government's reforms to the planning system have taken two forms. The first set of reforms took place during and resulted from the Covid-19 pandemic. There were immediate changes to certain aspects of planning policy. These included extensions to permitted development rights, permitting the demolition and rebuilding of unused buildings for residential or commercial purposes, and the extension of new homes. The stated aim was to revive high streets and town centres.<sup>40</sup>

12. The second, longer-term, set of reforms were proposed in the six consultations the Government launched in 2020–21.<sup>41</sup> Key proposals in the White Paper and associated consultations include:

- Moving to a threefold designation of land as growth, renewal, and protected areas.
- Quicker, simpler Local Plans produced to a statutory deadline, with the duty to cooperate abolished.
- A National Design Guide and a “fast track to beauty” of “high quality developments where they reflect local character and preferences.”
- Replacing Section 106 and the Community Infrastructure Levy (CIL) with a nationally set value-based charge, the Infrastructure Levy.
- Greater use of digital technology in the planning process.
- ‘Streamlining’ the opportunity for consultation at the planning application stage.

13. The extent to which the changes represented a revolutionary overhaul was a matter of disagreement. Planning lawyer Claire Dutch said:

There are the bare bones of what the White Paper is saying. We still have plans. We still have planning applications. We still have permitted development rights. The bare bones are still there, but what is being proposed is radical. It is almost utopian. It is broad-brush. It is quite crude and simplistic.<sup>42</sup>

In contrast, Ingrid Samuel from the National Trust remarked that “I do not think it is particularly revolutionary. It is still based on local planning and local decision-making.”<sup>43</sup>

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40 [“New laws to extend homes upwards and revitalise town centres”](#), MHCLG Press Notice, 21 July 2020. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 ([SI 2020/755](#)); Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 ([SI 2020/756](#))

41 MHCLG, [White Paper: Planning for the Future](#), August 2020; MHCLG, [Changes to the current planning system](#), August 2020; MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020; MHCLG, [Raising accessibility standards for new homes](#), August 2020; MHCLG, [Supporting housing delivery and public service infrastructure](#), December, 2020; MHCLG, [National Planning Policy Framework and National Model Design Code](#), January 2021

42 [Q91](#) (Claire Dutch)

43 [Q93](#) (Ingrid Samuel)



14. There was considerable criticism of the lack of detail about elements of the Government's proposals, which we expand upon in Chapter 5.<sup>44</sup> Several submissions claimed that the White Paper was more akin to a Green Paper, a discussion document rather than a document detailing proposed legislation.<sup>45</sup> This lack of detail led former Chief Planner Steve Quartermain to comment that it was unclear what the Government considered to be the purpose of planning.<sup>46</sup> When this was raised with the Minister, he stated the planning system should be "able to engage communities effectively", that it should work "speedily and efficiently ... ensure that design and quality are embedded ... so that it can deliver the numbers of houses that our country needs". He was challenged that planning involved more than housing. This he accepted this whilst reaffirming the main focus on housing: "[t]here are a great many considerations other than housing, but housing is the central aim of the White Paper that we are producing."<sup>47</sup>

15. The Minister acknowledged that would need to be legislation, for instance to make Local Plans compulsory.<sup>48</sup> The Bill was subsequently announced in the Queen's Speech in May 2021.<sup>49</sup> We asked the Minister about the timetable for a possible Planning Bill to make the necessary changes to primary legislation required to implement the proposed reforms. He answered that "We will need to work with the business managers to work out the appropriate timetabling of the Bill. It will be a big Bill and I suspect, therefore, it will take some time." Asked about pre-legislative scrutiny, he said that would be a matter for those business managers in the two Houses of Parliament, "but I note the appetite of the Committee for its work."<sup>50</sup> In January 2021 the Government published a revised draft of the National Planning Policy Framework (NPPF), whilst acknowledging that "A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward."<sup>51</sup>

**16. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen's Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.***

44 St Albans Civic Society ([FPS0057](#)), Civic Voice ([FPS0076](#)), [Q84](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel), [Q111](#) (Steve Quartermain)

45 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Shelter ([FPS0154](#))

46 [Q 90](#) (Steve Quartermain)

47 [Qq118–119](#) (The Minister)

48 [Q123](#), [Q134](#), [Q141](#), [Q173](#) (The Minister)

49 HM Government, [The Queen's Speech 2021](#), 11 May 2021, pp 9, 61–2

50 [Qq173–174](#) (The Minister)

51 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021



## 2 The Government's three areas proposal

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17. A key part of the Government's proposal is that every local authority, through its Local Plan, would allocate land into three areas: growth, renewal, and protected areas. These are defined as:

- *Growth areas* are places “suitable for substantial development”, including “land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites ... [and possibly] sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses.” Proposals in these areas “would automatically be granted outline planning permission for the principle of development ... Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.” The Government also stated that detailed planning decisions would be delegated to planning officers.
- *Renewal areas* are places “suitable for development”, including “gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as growth or protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area”. Pre-specified forms of development that meet the design and other conditions of the Local Plan would then receive automatic consent. Other proposed developments would have a faster planning application, being judged against the Local Plan and NPPF, or could be agreed through a local or neighbourhood development order.
- *Protected areas* are places “which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability ... such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space ... it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas.” Proposals would continue to come through the same planning application process as presently, except where there permitted development rights or development orders.<sup>52</sup>

18. There was some support for the three areas proposal. The Centre for Cities praised the proposals because they could end the housing shortage and unaffordable prices in cities and large towns.<sup>53</sup> Other arguments advanced in favour of the proposals were that it would facilitate the construction of housing on brownfield sites,<sup>54</sup> could support self and

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52 MHCLG, [White Paper: Planning for the Future](#), pp 24, 29, 32

53 Centre for Cities ([FPS0144](#))

54 National Grid ([FPS0088](#))

custom built housing,<sup>55</sup> ensure quicker and better quality planning proposals,<sup>56</sup> and could help (through strict rules) to reduce polluted air and ensure low carbon emissions.<sup>57</sup> The Adam Smith Institute commented that:

The White Paper has rightly concluded that transitioning to a more predictable and efficient rules-based system—with locally-selected zones of different kinds—can reduce the costs of development, and that strengthening design quality can help build popular support for a good supply of homes.<sup>58</sup>

19. However, the majority of our submissions expressed opposition to the proposals. The Town and Country Planning Association (TCPA) were among those who expressed outright opposition to the proposals. They stated that

we do not support the overall proposals for a three zone system in England. The implementation of these three zones will not necessarily improve outcomes for people but they will be highly disruptive to deliver and will, along with other measures outlined in the White Paper, reduced democratic accountability.<sup>59</sup>

The Local Government Association (LGA) reflected a wider body of opinion when they said that the proposed areas “are too restrictive and do not reflect the complexity of the areas that Local Plans need to plan for.”<sup>60</sup> Southwark, Bristol and Newcastle councils all argued there were particular problems in cities owing to the complex nature of their neighbourhoods.<sup>61</sup> To resolve these issues, Pocket Living suggested that there could be an ‘urban regeneration’ area. This would capture small brownfield sites where infills could be included in otherwise protected parts of urban areas.<sup>62</sup> London School of Economics (LSE) London noted that whilst the Government is proposing to rely on 4 or 5 pages of rules, in America, with its zonal system, the design code can run to 1,410 pages.<sup>63</sup> Consequently, several submissions suggested that there might need to be a great number of areas or sub-categories to cope with the diverse situation on the ground.<sup>64</sup>

20. Four other sets of problems with the three areas proposals were expressed to us. First, various organisations argued that the proposed reforms would not address the

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55 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

56 Association of Convenience Stores ([FPS0069](#))

57 Clean Air in London ([FPS0087](#))

58 Adam Smith Institute ([FPS0085](#))

59 TCPA ([FPS0034](#))

60 Local Government Association ([FPS0056](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

61 Southwark Council ([FPS0110](#)), Bristol City Council ([FPS0119](#)), Newcastle City Council ([FPS0159](#))

62 Pocket Living ([FPS0023](#))

63 LSE London ([FPS0139](#))

64 Woodland Trust ([FPS0045](#)), CLA ([FPS0049](#)), Historic England ([FPS0092](#)), Aldersgate Group ([FPS0120](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#)), [Q4](#) (Philip Barnes)

housing shortage and high houses prices, and might be counter-productive by raising land prices and delaying the bringing forward of housing developments.<sup>65</sup> Secondly, some submissions wished to know how the reforms would interact with, and avoid hindering, other priorities such as promoting sustainable transport,<sup>66</sup> and bolstering town centres.<sup>67</sup> Thirdly, the planning lawyer Claire Dutch told us that the level of detail that would be given in the prospective Local Plans would be insufficient for developers. It would be less than that currently given for outline permission. Consequently, developers feared the plans “might have a bare outline. They think the plans might be too conservative,” forcing them to resort to the alternative option of proceeding by traditional planning permission.<sup>68</sup> Fourthly, there is need to clarify the role of statutory consultees and vital infrastructure. The National Grid warned the removal of existing checks would “increase the likelihood of incompatible development being allowed”.<sup>69</sup> The Nuclear Legacy Advisory Forum emphasised that nuclear legacy sites “may not respect zonal boundaries” and that it is unclear how they would be addressed in the new system.<sup>70</sup> Similarly, Water UK highlighted concerns that the frontloading of processes in growth areas would make it hard to assess issues such as integrated water management.<sup>71</sup> This reflects the fact that the statutory consultees who must be consulted for planning permissions of certain types or in certain locations,<sup>72</sup> do not have to be consulted at the Local Plan stage. LPAs only need to consult those bodies they “consider may have an interest in the subject of the proposed local plan”.<sup>73</sup>

## Growth areas

21. Developers, the Royal Town Planning Institute (RTPI), and Centre for Cities all expressed support for the Government’s proposed automatic permission in principle in growth areas, as this could provide “greater certainty.”<sup>74</sup> One benefit highlighted was that it would encourage self-builders, particularly through the proposal to permit LPAs to identify sub-areas for self-build.<sup>75</sup>

65 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Woodland Trust ([FPS0045](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Rutland County Council ([FPS0071](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)) London Borough of Hackney ([FPS0091](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Southwark Council ([FPS0110](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Housing Federation ([FPS0158](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

66 The Smith Institute ([FPS0038](#)), London Gypsies and Travellers ([FPS0067](#)), Association of Convenience Stores ([FPS0069](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q6](#) (Kate Henderson)

67 Association of Convenience Stores ([FPS0069](#))

68 [Q95](#) (Claire Dutch)

69 National Grid ([FPS0088](#))

70 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

71 Water UK ([FPS0140](#)) see also Anglian Water ([FPS0146](#))

72 MHCLG, [Consultation and pre-decision matters](#), December 2020, Table 2

73 The Town and Country Planning (Local Planning) (England) Regulations 2012 ([SI 2012/767](#)), Part 6, Regulation 18 para 2(a)

74 Peel L&P ([FPS0094](#)), Stonewater ([FPS0103](#)), Royal Town Planning Institute ([FPS0113](#)), Centre for Cities ([FPS0144](#))

75 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

22. On the other hand, we were told that land placed in growth areas would have higher prices, making affordability of housing harder, and favouring large developers over smaller builders.<sup>76</sup> Another set of objections focused on the outline planning permission envisaged for growth areas. Pocket Living worried that were the same level of evidence and assessments currently needed for outline planning permission required under the new system it would “slow down the preparation of local plans.”<sup>77</sup> Alternatively, it feared that less information would be required from developers and once an area was designated “there appears to be no democratic method of stopping an unsuitable development.”<sup>78</sup> This loss of information tied to fears about the consequences of such developments. The Oxfordshire Neighbourhood Plans Alliance argued that:

the proposed ‘Growth’ category is so broad, it removes all nuance and ignores the individual nature of different places which might fall into that category by, for example, being unfortunate enough to be near a university or ‘urban extension site’.<sup>79</sup>

The LGA suggested further consultation on the consolidation of the different existing routes for permission<sup>80</sup>

23. Evidence suggested that other specific issues which may need further consideration by Government include the impact on cultural sites,<sup>81</sup> and on data centres.<sup>82</sup> The Canal and River Trust were anxious to ensure their continued involvement in the granting of Local Development Orders by local authorities, which is one way detailed consent in a growth area could be permitted.<sup>83</sup>

24. Giving evidence, the Minister argued one of the benefits of the “zoning” approach would be that, by removing “the capricious element” of planning permission, it would reduce incentives for developers to landbank. He also maintained it would let communities decide on non-housing areas too—for example the site of commercial developments.<sup>84</sup> One contributor to our public engagement survey had said that “a zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled”. We put this comment to the Minister. He denied this—with developers, “we are trying to cut through the garble and the gobbledygook of the present system to make one that is much more transparent, speedy, and frankly, engaging of local people.”<sup>85</sup>

## Renewal areas

25. Similar concerns were voiced about aspects of renewal areas as for growth areas. The LGA argued renewal areas would involve wide-ranging permitted development powers and weaken the oversight of local authorities. They feared it would lead to a dual approach where applicants would either use permitted developments rights following a national

76 Mark Stevenson ([FPS0083](#)), Greater London Authority ([FPS0149](#))

77 Pocket Living ([FPS0023](#))

78 Rother Association of Local Councils (RALC) ([FPS0012](#))

79 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

80 Local Government Association ([FPS0056](#))

81 WMCA (Cultural Leadership Board) ([FPS0029](#))

82 Ark Data Centres ([FPS0063](#))

83 Canal & River Trust ([FPS0048](#))

84 [Q131](#), [Q133](#) (The Minister)

85 [Q137](#) (The Minister)

pattern book or apply on the basis their proposal matched Local Plan requirements. They suggested establishing sub-areas where “local areas and guidelines should take precedence over national guidelines.”<sup>86</sup> We were also warned by Urban Vision Enterprise & D2H Land Planning Development that renewal designation would reduce individuals’ ability to influence planning decisions in their neighbourhood. They proposed instead “complex areas”, which would be

where change is taking place, but proper planning scrutiny is essential, including the ability for people and businesses to influence proposals at the planning application stage. Such areas could include town and city centres, residential, business and commercial areas, conservation areas and designated neighbourhood areas.<sup>87</sup>

Other submissions voiced fears about the loss of cultural assets,<sup>88</sup> and that renewal areas would lead to the loss of green spaces in villages.<sup>89</sup>

26. The RTPI expressed support for growth and protected areas but thought renewal areas were “too simplistic” and “what is left over when the other two designations are determined.”<sup>90</sup> Richard Blyth, Head of Policy at RTPI, argued in oral evidence that “Renewal embraces a vast range of types of existing built-up areas. ... it certainly would need to be much more fine-grained if it was going to work.” He suggested there could be a pilot or staged approach for different types of renewal areas. These could include areas of industrial change, a resident-led approach to densification, and a separate approach for town and city centres.<sup>91</sup>

27. We raised this criticism with the Minister. He argued that renewal areas could help with levelling up. He stated that renewal zones could be areas where smaller development is going to take place. These could include “a smaller rural area or a town centre, where, essentially, you are looking to regenerate existing buildings.” These could operate through the upfront rules whilst a more bespoke proposition that does not fit those requirements would proceed through a planning application. He summed up “[t]hat is how we see renewal zones: a zone where, essentially, you are renewing what is already there, to make best use of existing assets for the present and future generations.”<sup>92</sup> It has subsequently been reported that Ministers are undecided on whether to include this renewal area in their final proposals.<sup>93</sup>

## Protected areas

28. Opinions were divided about what protected areas would do and should do. This included whether they would permit too many or too few developments. The LGA welcomed the idea of individual planning proposals continuing in protected areas, but commented it was unclear what would be the criteria for including land and buildings within it.<sup>94</sup> They were not alone in wanting further details—there were calls for more

86 Local Government Association ([FPS0056](#))

87 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

88 WMCA (Cultural Leadership Board) ([FPS0029](#))

89 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

90 Royal Town Planning Institute ([FPS0113](#))

91 [Qq66–67](#) (Richard Blyth)

92 [Qq138–9](#) (The Minister)

93 “[Boris Johnson to relax rules on building new homes](#)”, The Times, 10 May 2021

94 Local Government Association ([FPS0056](#))

details on the definition of greenfield sites such as golf courses, parks, and playing fields;<sup>95</sup> on whether national parks would be included (and how they would be affected by adjoining land designated growth or renewal status);<sup>96</sup> and the treatment of ancient woodland in city centres.<sup>97</sup> Tenterden Town Council stressed the unresolved questions about whether Green Belt land would be included in protected areas, and urged that “The community needs faith that these protected areas mean protection with no development.”<sup>98</sup>

29. There were countervailing fears that protected areas would be too restrictive. The Federation of Master Builders, who represent many small builders, were concerned that ‘windfall sites’ designated in protected areas would face additional delays compared to those in growth and renewal areas, which “risks further pricing SMEs out of the market.”<sup>99</sup> We were told that conservation areas (especially in town centres), and river and canal areas needed to be able to adapt.<sup>100</sup> Fears were also raised that protected areas would stifle growth in rural areas, through excessive restrictions on building,<sup>101</sup> and discourage developments of energy and water infrastructure.<sup>102</sup> Savills worried blanket inclusion of Green Belt in protected areas would stymie development in local authorities with over 40% of their land designated as Green Belt.<sup>103</sup>

30. The perceived lack of detail fed into proposals to amend the Government’s proposals. It was proposed that separate designations should be created for places already protected (e.g. National Parks or Areas of Outstanding Natural Beauty) or land use was set locally (Green Belt).<sup>104</sup> The National Trust suggested reframing ‘Protected Areas’ as ‘Areas for Protection and Enhancement’ “in order to promote positive change.”<sup>105</sup> The Woodland Trust wanted a “highly protected area”, which would be specified in planning documents and include a 50 metre buffer zone, as an additional safeguard, a proposal echoed by the Aldersgate Group.<sup>106</sup> Contrastingly, Hackney Council argued the protected areas were unnecessary as existing environmental and historical protections are sufficient.<sup>107</sup>

31. We asked the Minister how he intended to satisfy the divergent wishes for thorough protections and for development in protected areas. He replied: “Essentially, it is for local authorities to designate what they want their protected zones to be. We will need to define up front some national rules, which can then be localised.” He recognised that preservation can permit change, when it is “well thought through”, and thus protected areas would need appropriate rules in place. The Ministry was still considering the consultation responses and would welcome the Committee’s views on striking the right balance.<sup>108</sup>

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- 95 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#))
- 96 Campaign for National Parks ([FPS0043](#)) They also proposed requiring planning permission for the conversion of a property to second home use.
- 97 City of London Corporation ([FPS0148](#))
- 98 Tenterden Town Council ([FPS0003](#))
- 99 The Federation of Master Builders (FMB) ([FPS0125](#))
- 100 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Canal & River Trust ([FPS0048](#)), Rutland County Council ([FPS0071](#)), Locality ([FPS0086](#)), Historic England ([FPS0092](#))
- 101 CLA ([FPS0049](#)), Royal Town Planning Institute ([FPS0113](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 102 National Grid ([FPS0088](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))
- 103 Savills ([FPS0101](#))
- 104 Land Promoters and Developers Federation ([FPS0138](#))
- 105 National Trust ([FPS0157](#))
- 106 Woodland Trust ([FPS0045](#)), Aldersgate Group ([FPS0120](#))
- 107 London Borough of Hackney ([FPS0091](#))
- 108 [Q140](#) (The Minister)



32. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.*

33. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*

- *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the Local Plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
- *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.*
- *The Government should consider the proposals for sub-areas within the 'renewal area', where permission in principle would not apply and individual planning permission would be required.*
- *The Government should implement a 'highly protected' alongside a 'protected' area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
- *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
- *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning*

*applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns.*

34. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government's proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects.*



### 3 Local Plans

35. Local Plans are prepared by LPAs, laying out planning policies in their area. They must be consistent with national policy, including the National Planning Policy Framework. They were initially introduced for district councils in 1965. The current process was laid down in 2012.<sup>109</sup> Our predecessor committees have long called for reform of Local Plans. In 2002 it was recommended that a strict timeframe for Local Plans, with appropriate penalties to enforce them, be implemented.<sup>110</sup> In 2014 the then Committee called for a consultation into making Local Plans a statutory requirement on local councils, with a three-year timeframe to put them in place.<sup>111</sup> That same report called for reduced complexity and an increased accessibility of Local Plans, and that local authorities should be encouraged and enabled to carry out reviews of aspects of their Local Plans to ensure they were up to date.<sup>112</sup> In 2018 our predecessor Committee reiterated calls for Local Plans to be up to date and a statutory duty upon local authorities.<sup>113</sup>

#### Views on current Local Plans

36. The majority of the evidence criticised existing Local Plans. The criticisms focused on the absence of up-to-date plans across the whole of the country.<sup>114</sup> Furthermore, the CPRE pointed out that only 30% of Local Plans meet the current NPPF requirements to be ‘up to date’, because the plans are either more than five years old or no longer identify sufficient land for five years of housing development.<sup>115</sup> Other criticisms were that the Local Plans did not properly reflect local views,<sup>116</sup> that they had neglected people in caravans and houseboats,<sup>117</sup> and favoured larger stakeholders.<sup>118</sup> They were thought to take too long to complete and involved too much documentation.<sup>119</sup> The Royal Institution of Chartered Surveyors (RICS) pinpointed two further problems: “After spending years participating in the plan making process the local community still has little or no idea about what is going to be built in their area” and that “[a]fter spending a lot of time and money developers are often still very unsure about what the outcome of a planning application will be.”<sup>120</sup> We were told greater resources and stability in legislation and policy, and permitting incremental updating of plans were needed to ensure they were up to date.<sup>121</sup>

109 Town and Country Planning (Local Planning) (England) Regulations 2012 ([S.I. No. 767](#))

110 Transport, Local Government and the Regions Committee, Thirteenth Report of the Session 2001–2, [Planning Green Paper](#), HC 476-I, para. 61

111 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, para 40

112 *Ibid*, paras 32, 43

113 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766, para 110

114 South Worcestershire Councils ([FPS0015](#)), Home Builders Federation ([FPS0073](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

115 CPRE the countryside charity ([FPS0077](#))

116 Mr Richard Gilyead ([FPS0022](#)), Dennis Elsey ([FPS0145](#)), Robert Rush ([FPS0163](#))

117 London Gypsies and Travellers ([FPS0067](#))

118 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

119 Institute of Historic Building Conservation ([FPS0044](#)), Stonewater ([FPS0103](#)), Oneill Homer ([FPS0111](#)), GL Hearn ([FPS0141](#))

120 Royal Institution of Chartered Surveyors ([FPS0065](#))

121 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), City of London Corporation ([FPS0148](#))

## Reforms to Local Plans

37. We have already considered aspects of the Government's reforms to Local Plans, namely the three areas proposal. The next chapter will consider the greater use of technology. Other important proposed reforms are:

- Local Plans would be developed over 30-months, with two points of public engagement. Local councils would work to enhance public engagement in the creation of Local Plan.
- The White Paper also suggested one option of reforming the current examination process of Local Plans which would include removing the 'right to be heard' and having the planning inspector determine attendance at the hearings.
- There should be more focused and shorter Local Plans.
- Local Plans would be subject to a single statutory 'sustainable development' test. This would replace the four criteria 'tests of soundness' that are currently laid down in the NPPF.<sup>122</sup>

38. We heard support for many of these proposals. There was widespread support for the idea that all LPAs must have an agreed Local Plan.<sup>123</sup> There was some support for the principle of "simpler, standardised and faster" Local Plans,<sup>124</sup> for nationally set development management policies (albeit not always as part of the NPPF).<sup>125</sup> There was some support for a simpler sustainable development test;<sup>126</sup> but far greater reservations about the lack of detail and public understanding of the phrase.<sup>127</sup>

39. However, it was thought that Local Plans would lack the necessary detail to adequately cover local circumstances, or to guide developers clearly enough.<sup>128</sup> The Urban Mobility Partnership argued the current and proposed system would not enable Local Plans to be "living documents" that were up to date. They proposed letting supplementary documents to the core Local Plan be subject to rapid and individual revision.<sup>129</sup>

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122 These are: (1) That the Local Plan provides a strategy that at least meets the area's objectively assessed needs and takes account of agreements with neighbouring areas to meet their unmet need. (2) There is an appropriate strategy which had considered reasonable alternatives and is based on proportionate evidence. (3) It was deliverable over the time period and is based on cross-boundary matters having been dealt with rather than deferred. (4) The Plan is consistent with national policy laid down in the NPPF.

123 Tenterden Town Council ([FPS0003](#)), Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), The Smith Institute ([FPS0038](#)), Rentplus-UK Ltd ([FPS0047](#)), Home Builders Federation ([FPS0073](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

124 Pocket Living ([FPS0023](#)), Homes for the South West ([FPS0070](#))

125 Pocket Living ([FPS0023](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), National Grid ([FPS0088](#))

126 Pocket Living ([FPS0023](#))

127 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Cllr John Crawford ([FPS0008](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Just Space ([FPS0115](#)), Greater London Authority ([FPS0149](#))

128 Tenterden Town Council ([FPS0003](#)), Mr Richard Gilyead ([FPS0022](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q95](#) (Claire Dutch)

129 Urban Mobility Partnership ([FPS0122](#))

40. A second strand of objections resulted from these proposals perceived impact on public involvement. We were told the new approach “squeezes out the local community who have the local knowledge of their specific parish.”<sup>130</sup> The District Councils Network noted that public involvement at the end of the Local Plan process, concurrent with the plans going to the Secretary of State, would be too late for the public to influence the development of Local Plans.<sup>131</sup> Claire Dutch was doubtful the community would suddenly be involved in Local Plans, and too broad brush an approach to the plans would mean “we are not going to get that level of community engagement that we would get with the application side of things.”<sup>132</sup> There was also objections to the possible abolition of the ‘right to be heard’ at the examination stage of Local Plan formation.<sup>133</sup>

## The role of statutory consultees

41. Another area of specific concern concerned statutory consultees. We were told that statutory consultees were often very slow to engage with developers.<sup>134</sup> This reflects a long-standing complaint.<sup>135</sup> Simon Gallagher said that consultees “find quite a lot of the individual case-by-case decision-making quite reactive, whereas they would like to get involved earlier in shaping the places and working out how they can best mitigate their concerns.”<sup>136</sup>

42. Existing statutory consultees, notably the Canal and River Trust, emphasised that they needed to be involved in all types of proposed developments likely to affect their waterways, “to limit the potential for catastrophic infrastructure failure and consequential harm to people and property.” The National Grid explained that they are not a statutory consultee but wish to be so when their infrastructure is affected. This applies both for Local Plans and individual proposals. They argued that currently, if they miss a notification and their assets are affected, it can impact on public safety and prove expensive to fix.<sup>137</sup> This wish for a strengthening of statutory consultees’ role in plan making received support in our written and oral evidence, especially given the challenge of every local authority trying to produce a Local Plan in thirty months and requiring input from statutory consultees.<sup>138</sup>

## A timeframe for Local Plans

43. A major area of debate was over the viability of the Government’s proposed 30-month statutory timescale, including the proposed six-week consultation phase. Developers were among those welcoming this move.<sup>139</sup> In contrast, during our oral evidence, local authority representatives were sceptical about the timeframe. Andrew Longley told us:

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130 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#))

131 District Councils’ Network ([FPS0082](#))

132 [Q94](#) (Claire Dutch)

133 WMCA (Cultural Leadership Board) ([FPS0029](#)), The Smith Institute ([FPS0038](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Just Space ([FPS0115](#))

134 Abri ([FPS0078](#))

135 Public Accounts Committee, Thirty-third report of session 2008–09, *Planning for Homes: Speeding up planning applications for major housing developments in England*, HC236, paras 14–5

136 [Q145](#) (Simon Gallagher)

137 National Grid ([FPS0088](#))

138 WMCA (Cultural Leadership Board) ([FPS0029](#)), [Q69](#) (Paula Hewitt)

139 Anchor Hanover ([FPS0074](#)), Abri ([FPS0078](#)), Peel L&P ([FPS0094](#))

There is a huge frontloading involved here and I cannot foresee that being achieved in 30 months. We will certainly try to rise to the challenge. Previously, where the Government have given incentives through a planning-delivery grant or other sources of funding for authorities that are really trying to push it and get to certain targets, that is always useful, but I would be extremely worried if there were any sort of sanction involved in not meeting an imposed timescale.<sup>140</sup>

Lisa Fairmaner said “On the 30 months, we do not believe that that is anywhere close to being adequate. One of the reasons for that is that good engagement is an iterative process and it takes time.”<sup>141</sup> This echoed written evidence that we had received.<sup>142</sup> The National Fire Chiefs Council and the Canal and River Trust were worried that stakeholders comments would not be given due regard given “unrealistic” timeframes. The latter suggested that a “more phased introduction could be appropriate.”<sup>143</sup> The GLA warned us that the timescale would not permit enough time for the increased focus on beauty and design that the Government wanted.<sup>144</sup>

## The Minister’s views

44. The Minister robustly defended the timeframe for producing Local Plans. He argued that as it was thirty months from when the legislation coming onto the statute book, “Local authorities will have a lot of time to think about this.” He argued it was in the interest of Local Authorities to have an up-to-date plan and he encouraged them to continue working on their plans. Regarding statutory consultees, he agreed “it may be effort that they need to undertake” but he pointed to environmental assessment processes and argued that if communities could produce plans in thirty months, statutory consultees could do their part. Simon Gallagher did acknowledge, regarding smaller consultees such as the Canal and River Trust, that “There is a good bit of work for us to do about how that can work through most effectively, but most of the larger statutory consultees would welcome getting involved a bit earlier and a bit more in the plan-making process.”<sup>145</sup> The Minister also argued that “The right to be heard is not being withdrawn. Local people will be able to—in fact, I am very keen that they do—get involved in the design of their communities”.<sup>146</sup>

**45. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch.***

140 [Q42](#) (Andrew Longley)

141 [Q43](#) (Lisa Fairmaner)

142 Daventry District Council ([FPS0011](#)), Local Government Association ([FPS0056](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))

143 National Fire Chiefs Council ([FPS0040](#)), Canal & River Trust ([FPS0048](#))

144 Greater London Authority ([FPS0149](#))

145 [Q141](#) and [Q145](#) (The Minister), [Q145](#) (Simon Gallagher)

146 [Q152](#) (The Minister)

*The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans.*

46. We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the 'right to be heard'.*

47. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales.

## Neighbourhood planning

48. An MHCLG commissioned review of the impact of neighbourhood plans was published in May 2020. It concluded that neighbourhood plans increased housing supply, improved the designs of houses, helped enhance consideration of housing for specific societal groups, improved local engagement with LPAs and contributed to place-making beyond land use planning. Although they did not speed up the delivery of housing, they did foster greater acceptance by the community. Neighbourhood plans are less likely to be found in urban areas and northern parts of England. 865 neighbourhood plans have been formally agreed and further 16 more have passed the referendum that is a precondition of agreement. The vast majority were led through parish or town councils rather than dedicated forums.<sup>147</sup> The White Paper committed to including neighbourhood plans in the formation of local design guides and codes and wanted the plans to be more focused, to reflect the reforms to Local Plans and to harness digital tools.<sup>148</sup>

49. There was some scepticism in our evidence about the value of neighbourhood plans. For instance, Hill Homes Developments Ltd stated that "If anything public engagement is already too high, the introduction of neighbourhood plans more often than not has muddied the water." They opined the plans did not allocate enough land for developments.<sup>149</sup> Moreover, neighbourhood planners tended to be predominantly people with greater wealth and time on their hands.<sup>150</sup> This scepticism was however countered by

147 Prof. Gavin Parke, Dr Matthew Wargent, Dr Kat Salter, Dr Mark Dobson, Dr Tessa Lynn and Dr Andy Yuille, [Impacts of Neighbourhood Planning in England](#), May 2020, pp. 3–13

148 MHCLG, [White Paper: Planning for the Future](#), pp 25, 36, 44

149 Hills Homes Developments Ltd ([FPS0084](#))

150 Centre for Ageing Better ([FPS0055](#))



a louder chorus of praise. Neighbourhood plans were singled out for their effectiveness in engaging local communities.<sup>151</sup> Lisa Fairmaner explained how existing plans created very local planning frameworks and encouraged public engagement in London.<sup>152</sup> We raised with her the reputed lack of support in London for neighbourhood plans mentioned by Neighbourhood Planners London.<sup>153</sup> She acknowledged that different boroughs had been mixed in their responses.<sup>154</sup>

50. Consequently, there was strong criticism of the Government's perceived downgrading of neighbourhood plans.<sup>155</sup> Particularly singled out was the loss of involvement in development management, as threatening community engagement and confidence.<sup>156</sup> The Government's reforms to Local Plans were seen likely to squeeze out neighbourhood plans; and there was worry that neighbourhood plans would not apply where planning applications would no longer be required for development.<sup>157</sup>

51. Seeking to strengthen neighbourhood plans, the National Association of Local Councils stated that neighbourhood plans should also cover historical assets as well as land use. They also stressed the importance of certainty, noting that many communities had been "crushed" when their plans were overturned for providing insufficient housing land or numbers.<sup>158</sup> We were also told plans needed to be put in place more quickly and cheaply.<sup>159</sup> We raised the uncertainty over the role of neighbourhood plans with the Minister. He stated: "I am very keen on it", whilst noting that there were fewer neighbourhood plans in the north and in urban areas. He added that the Government were looking at making them "a more effective network of plans rather than a patchwork of plans as they perhaps tend to be at the moment."<sup>160</sup>

**52. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.**

151 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) (FPS0060), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) (FPS0137)

152 Q43 (Lisa Fairmaner)

153 Neighbourhood Planners London (FPS0032)

154 Q45 (Lisa Fairmaner)

155 The Smith Institute (FPS0038), Action with Communities in Rural England (ACRE) (FPS0161)

156 Oxfordshire Neighbourhood Plans Alliance (FPS0052). See also Rother Association of Local Councils (RALC) (FPS0012), Kent Association of Local Councils (FPS0028)

157 Urban Vision Enterprise CIC, D2H Land Planning Development (FPS0037)

158 NALC (FPS0021),

159 Neighbourhood Planners London (FPS0032), Local Government Association (FPS0056), St Albans Civic Society (FPS0057), Locality (FPS0086)

160 Q144 (The Minister)

## Strategic infrastructure and the duty to cooperate

53. The duty to cooperate was defined in the Localism Act 2011. This abolished the previous approach whereby England was sub-divided into nine regions and each region produced a regional spatial strategy. It is defined as a legal duty on LPAs and county councils to engage constructively, actively and on an ongoing basis with other authorities to maximise the effectiveness of a Local Plan in the context of strategic cross boundary matters.<sup>161</sup> One of our predecessors, in 2011, expressed reservations about the draft version of the duty to cooperate, noting its lack of definition and sanctions for a lack of cooperation, clarity on resolving conflicts between local authorities or requirement to cooperate.<sup>162</sup> In 2014 the same committee recommended giving combined authorities the power to oversee local authorities' duty to cooperate.<sup>163</sup> The same year they recommended encouraging local authorities to group together to produce joint core strategies, and that where they exist combined authorities should coordinate these endeavours.<sup>164</sup> The Government rejected this idea in their response.<sup>165</sup> In 2016 a House of Lords committee found mixed evidence about the effectiveness of the duty to cooperate. It was not thought to be an adequate substitute for regional spatial strategies; but there were good examples of coordination.<sup>166</sup>

54. These conclusions were repeated in our evidence. We were told that the duty to cooperate had been ineffective in ensuring strategic planning “partly because at any one time planning authorities are at different stages of plan making.”<sup>167</sup> The County Council Network opined that:

Since being implemented, the duty has proven to be a rather blunt tool and seen as a tick-box exercise rather than a mechanism that promotes constructive engagement. Of course, in some areas it has worked, but this has been the exception rather than the rule. Much of the time, the duty gets stuck in conversations around housing numbers, rather than wider matters such as infrastructure provision and delivery.<sup>168</sup>

55. We were given specific examples of its failings in different council areas across England, such as the collapse of St Albans' Local Plan.<sup>169</sup> The LGA said that the duty “has had mixed success and does not always guarantee a successful outcome from the process.”<sup>170</sup> The negative consequences of the duty were that it was “piecemeal and fragmented”,<sup>171</sup> had not effectively delivered infrastructure, mineral supply and waste

161 Localism Act 2011, [Section 110](#)

162 Communities and Local Government Committee, Second Report of the Session 2010–11, [Abolition of Regional Spatial Strategies: a planning vacuum](#), HC 517, para 69

163 Communities and Local Government Committee, First Report of the Session 2014–15, [Devolution in England: the case for local government](#), HC 503, para 97

164 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, paras 47–8

165 HM Government, *Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework*, [Cm 9016](#), February 2015, para 56

166 House of Lords, *Building better places*, Select Committee on National Policy for the Built Environment, Session 2015–16, [HL Paper 100](#), paras 407–10

167 Daventry District Council ([FPS0011](#)). See also [Q97](#) (Ingrid Samuel)

168 County Councils Network ([FPS0121](#))

169 [Q100](#) (Claire Dutch), South Staffordshire Council ([FPS0142](#))

170 Local Government Association ([FPS0056](#))

171 National Grid ([FPS0088](#))

management,<sup>172</sup> discouraged urban councils from maximising their own land before calling on neighbouring rural councils whilst lengthening the time taken for Local Plan examinations,<sup>173</sup> and that it delayed the delivery of new plans and housing sites.<sup>174</sup>

56. The lack of sub-national or regional planning was seen to weaken the English planning system, “hindering the wider consideration of growth, economic development, dealing with environmental change and providing an important mechanism for communities to shape the long-term development of their areas.”<sup>175</sup> We were told every other European country has a spatial plan system.<sup>176</sup> The White Paper was thought not to have provided sufficient information about it.<sup>177</sup> The benefits of strategic planning for infrastructure was particularly stressed. It could support sustainable transport,<sup>178</sup> tackle infrastructure challenges such as water provision, minerals, meeting net-zero, and create “communities where people want to live, work and relax.”<sup>179</sup>

57. However, the duty is clearly working in some places. We were told it has been operating successfully in north Northamptonshire,<sup>180</sup> between Newcastle and Gateshead,<sup>181</sup> and “in the south-west, in Norfolk and beyond, which have been produced specifically to address some of these questions around infrastructure”.<sup>182</sup> Examples of regional planning cited to us included the Oxford–Cambridge Arc,<sup>183</sup> the Oxfordshire Growth Board,<sup>184</sup> and Greater Manchester combined authority (all of which divided opinion).<sup>185</sup> The spatial plans in Glasgow and the Clyde Valley, and Cambridgeshire and Peterborough Combined Authority were also praised.<sup>186</sup>

## What should replace the duty to cooperate?

58. Despite the criticism of the duty, there was concern about its proposed abolition without clarity on what would replace it.<sup>187</sup> Abolishing it might hinder the delivery of

172 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))

173 South Staffordshire Council ([FPS0142](#))

174 Bristol City Council ([FPS0119](#))

175 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

176 [Q98](#) (Steve Quartermain)

177 British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

178 Bus Users UK Charitable Trust Ltd ([FPS0026](#))

179 Institution of Civil Engineers ([FPS0035](#)), Mineral Products Association ([FPS0050](#))

180 [Q37](#) (Andrew Longley)

181 [Q31](#) (Philip Barnes)

182 [Q135](#) (Simon Gallagher)

183 Daventry District Council ([FPS0011](#)), [Q37](#) and [Q52](#) (Andrew Longley) were positive. [Q77](#) (Philip Waddy) noted the problems, particularly with Buckinghamshire Council pulling out.

184 Savills ([FPS0101](#)) were positive. Paul G. Tucker QC ([FPS0153](#)) highlighted difficulties with it.

185 UK2070 Commission ([FPS0128](#)) and [Q31](#) (Kate Henderson) were positive. Paul G. Tucker QC ([FPS0153](#)) instead stressed its lack of progress.

186 UK2070 Commission ([FPS0128](#))

187 Kent Association of Local Councils ([FPS0028](#)), Institution of Civil Engineers ([FPS0035](#)), Civic Voice ([FPS0076](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), British Property Federation ([FPS0127](#))



infrastructure projects,<sup>188</sup> and a lack of consideration of infrastructure had created challenges for the Oxford–Cambridge Arc.<sup>189</sup> There were numerous proposals on how to enhance co-operation. Some favoured retaining the existing duty.<sup>190</sup> or a strengthened or compulsory requirement for LPAs to work together.<sup>191</sup> There was support for using pre-existing bodies, such as sub-national transport bodies (STBs),<sup>192</sup> devolved administrations with elected mayors making use of spatial development strategies,<sup>193</sup> Local Nature Recovery Strategies,<sup>194</sup> and organisations such as the Northern Powerhouse.<sup>195</sup> UK2070 Commission proposed building on these organisations by establishing a similar body for London and the wider south east.<sup>196</sup> Spatial frameworks, drawing on the Oxford to Cambridge Arc idea, was also cited as an alternative approach.<sup>197</sup> Subsequently the Government has published an introduction to the spatial framework for the Arc.<sup>198</sup>

59. Others urged the creation of a national spatial strategy.<sup>199</sup> Some advocates of this linked it with developing a framework for regional and sub-regional planning accompanied by either networks of Local Plans,<sup>200</sup> or regional planning bodies.<sup>201</sup> There were calls for a “sub-national strategic planning mechanism”,<sup>202</sup> including regional associations either directly elected or composed of local councillors.<sup>203</sup> Ireland’s model of regional authorities were also cited as a possible model.<sup>204</sup> CPRE argued increased strategic planning had to come with “statutory safeguards for public engagement, scrutiny, and accountability” and large amounts of autonomy for local authorities.<sup>205</sup> However, there was also resistance to reverting to regional spatial strategies, which were described as a “resource-heavy, hungry layer of complexity”.<sup>206</sup> There was also disagreement over the Government’s suggestion of greater use of Development Consent Orders under the Nationally Significant Infrastructure Projects regime for new towns.<sup>207</sup> This was supported by the Institution of Civil Engineers,<sup>208</sup> but vigorously opposed by the LGA.<sup>209</sup>

60. The Minister acknowledged there “is a strong case for looking at how local authorities co-operate across boundaries”, and noted that political, economic, and physical geographies did not always co-align. He suggested that possible routes might include using mayoral combined authorities, and development corporations, and stressed

188 Institution of Civil Engineers ([FPS0035](#)), Water UK ([FPS0140](#))

189 Stonewater ([FPS0103](#))

190 Institution of Civil Engineers ([FPS0035](#)), The Smith Institute ([FPS0038](#)), [Q100](#) (Claire Dutch)

191 NALC ([FPS0021](#))

192 England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#))

193 Greater London Authority ([FPS0149](#)), National Housing Federation ([FPS0158](#)), [Q31](#) (Kate Henderson)

194 Wildlife & Countryside Link ([FPS0075](#))

195 The Chartered Institute of Building ([FPS0096](#))

196 UK2070 Commission ([FPS0128](#))

197 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

198 MHCLG, [Planning for sustainable growth in the Oxford-Cambridge Arc: An introduction to the Oxford-Cambridge Arc Spatial Framework](#), February 2021

199 Home Builders Federation ([FPS0073](#)), UK2070 Commission ([FPS0128](#))

200 Civic Voice ([FPS0076](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

201 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

202 Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#)), [Q77](#) (Philip Waddy)

203 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Royal Town Planning Institute ([FPS0113](#)), County Councils Network ([FPS0121](#))

204 The Chartered Institute of Building ([FPS0096](#))

205 CPRE the countryside charity ([FPS0077](#))

206 [Q100](#) (Claire Dutch) See also [Q31](#) (Philip Barnes and Brian Berry)

207 MHCLG, [White Paper: Planning for the Future](#), p 30

208 Institution of Civil Engineers ([FPS0035](#))

209 Local Government Association ([FPS0056](#))

he wanted a system “where sub-regional planning works more effectively than it does presently, while retaining—and this is important—the building block of local planning, which is the democratically accountable local authority.”<sup>210</sup>

61. **The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.***

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210 [Q135](#) (The Minister)

## 4 Public engagement

62. A crucial element of the planning system is the involvement of members of the public. Whether that is putting in a planning application, responding positively or negatively to another's application, or contributing to a Local Plan, this has been a mainstay of the system since 1947. The Government's proposals could potentially impact on public involvement in a significant way. Therefore, we were keen to examine the current rates of engagement, the possible impact of the Government's reforms, and how to ensure a strong public voice in the future planning system.

### Current rates of public engagement

63. The Government does not routinely collect data on public involvement in the planning system. This makes it hard to determine how many people participate, let alone the characteristics of those individuals. The Government White Paper argued that the current system "allows a small minority of voices, some from the local area and often some not, to shape outcomes." This meant those likely to benefit from developments, such as young people, being amongst those less involved.<sup>211</sup> Giving evidence to us the Minister twice cited figures of 3% and 1% for the proportion of the public involved in individual planning proposals and in Local Plan formation respectively.<sup>212</sup> But these figures originated from an article published by Sue Manns on the RTPI website, not from nationwide figures.<sup>213</sup>

64. We received evidence that argued members of the public felt disenchanted by the planning system and held low opinions of developers and local authorities.<sup>214</sup> The Government's view that participation was skewed towards particular groups, with younger people less likely to participate, also had some support.<sup>215</sup> Priced Out argued that young people were failed and local campaign groups, disproportionately made up of older and homeowners residents, dominated the system.<sup>216</sup> Save Greater Manchester Green Belt complained that:

Participation in planning currently doesn't feel like it is accessible to all. The systems are complex, and the language and systems seem to be from a bygone age. The White Paper is just adding to this inequality by not including the community at an early stage of participation. People with money, education, access, and time can navigate the system making it inequitable.<sup>217</sup>

The Department of Urban Studies and Planning, University of Sheffield however stated that:

There are, however, significant dangers in justifying reductions in opportunities to participate on this basis. The dominance of unrepresentative

211 MHCLG, [White Paper: Planning for the Future](#), pp 11, 16

212 [Q128](#), [Q151](#) (The Minister)

213 Sue Manns '[Planning and public engagement: the truth and the challenge](#)', 10 May 2017

214 Civic Voice ([FPS0076](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#))

215 CLA ([FPS0049](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Centre for Cities ([FPS0144](#))

216 PricedOut ([FPS0129](#))

217 Save Greater Manchester Green Belt ([FPS0132](#)). See also the evidence from The Beaconsfield Society (Civic Society) ([FPS0130](#))

minorities in public and democratic life is certainly not restricted to the planning process and would not be accepted as a reason to abandon democracy in other spheres. Rather it should be understood as a reason to deepen and extend engagement amongst under-represented groups.<sup>218</sup>

65. Numerous submissions argued that individuals mainly became involved in individual planning decisions rather than at the Local Plan stage. We were told that people's interest in planning issues results from nearby development.<sup>219</sup> This was because:

It is inevitable people are often more motivated to give up their time to engage on individual schemes where they can see a direct impact upon them [rather] than on plans which may influence development in years to come.<sup>220</sup>

66. Doubt was expressed that the disproportionate involvement of existing residents ends up blocking development.<sup>221</sup> Instead, the sense that planning proposals are agreed to despite local objections was frequently voiced in our survey. There were also worries that the changes would involve a missed opportunity: "There is much detail missing about how this will work in practice and a real risk that the opportunity for future proofing planning to be more age-friendly and foster connections will be missed."<sup>222</sup>

67. We compared the Minister's figures with other data about public involvement in the planning system. Polling by YouGov for Social Communications, shared with us, showed that 26% of people claim to have responded to a Local Plan. Polling of 16–18 year olds by Grosvenor found that 8% stated they had been involved in a survey about the future of their neighbourhood run by their local council or a property developer.<sup>223</sup> Polling by Opinium in 2019 for the think-tank Demos found that 44% of those surveyed had engaged with the planning system—that is searched the council register for permissions in their local area, submitted, objected to or supported a planning application, campaigned to stop a development, or spoke at a committee or meeting about planning applications). They found those over 55 were most likely to have engaged (50% said they had), whilst 34–54-year olds had the lowest rate of involvement (43%). Homeowners, residents in London were more likely than renters and residents outside of London to have been involved.<sup>224</sup>

## The Government's proposed reforms

68. The Government's proposals to public engagement flow from the changes to how the planning system will work. The Government emphasised that there would be public

218 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

219 Tenterden Town Council ([FPS0003](#)), South Worcestershire Councils ([FPS0015](#)), Neighbourhood Planners London ([FPS0032](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Locality ([FPS0086](#)), Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

220 Bartlett School of Planning, University College London ([FPS0097](#))

221 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

222 Centre for Ageing Better ([FPS0055](#))

223 Grosvenor, [I Live here too: Why young people want a stake in the future of their neighbourhood](#), October 2020, p 6

224 Demos, [People Powered Planning: How to better involve people in planning to get more homes built](#), September, 2019, pp 15–6

engagement at two points during the Local Plan stage: first, the LPA would call for suggestions for how areas should be designated as growth, renewal or protected. Secondly, the LPA would submit a draft Local Plan for public comment simultaneous with it being submitted to the Secretary of State for examination. A wider range of people will be engaged with the system, through the greater use of technology, such as social media and their phones. The Government also stated “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.” This included making the 8–13-week time limits firm deadlines for completing applications; alongside greater use of digital technology and software, of data, and of standardised process.<sup>225</sup>

69. There was support in some evidence for the reforms. Homes for the South West commented that:

Community engagement at the local plan stage should be a basis to move plans forward, with local consent. However, further community engagement when more detailed plans are brought forward can confuse a process when they fall back on the fundamental principle of a development. Instead, community engagement at the design stage should identify and address specific issues around homes that will be delivered for local communities.<sup>226</sup>

70. Other arguments advanced in favour of the changes were that they would reduce public disappointment at applications being overridden on appeal because of existing Local Plans,<sup>227</sup> cause the system to work more efficiently by reducing political interventions that prioritise local resistance to development,<sup>228</sup> and enable proper discussion of the trade-offs “rather than playing whack-a-mole with residents’ objections.”<sup>229</sup>

71. The majority of our evidence however thought that the proposals were likely to reduce public involvement. This would chiefly be through abolishing the ability of people to comment on individual planning applications in growth areas and other extensions to

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225 MHCLG, [White Paper: Planning for the Future](#), pp 16, 32–5

226 Homes for the South West ([FPS0070](#)). See also [Q3](#) (Philip Barnes)

227 Adam Smith Institute (FPS085), Centre for Cities ([FPS0144](#))

228 Peel L&P ([FPS0094](#))

229 Centre for Cities ([FPS0144](#))

permission in principle.<sup>230</sup> Historic England stated “we would like to see more evidence to demonstrate how the proposed changes will enable greater public participation in the planning system.”<sup>231</sup> The scale of the change being proposed was laid out by the RTPi:

it is still an enormous challenge to overturn 70 years of people’s expectations that they can be involved in individual planning decisions. At the very least, it will require a national campaign of education plus significant extra resources for community engagement at local level.<sup>232</sup>

72. Local authority representatives argued that “a lot of local authorities” go “to considerable lengths at the moment in their engagement to reach out to people who would not normally participate.” Their involvement at the Local Plan stage could feed into wider engagement.<sup>233</sup> It was also stated by Andrew Longley from North Northamptonshire that:

Typically, on our plans, you will get in the low hundreds of people involved in the plan-making process who make formal representations, whereas, when it comes to the planning application, you can easily have thousands of representations on a controversial application. That is notwithstanding that those same sites—I have some in mind—were part of the local plans that have been subject to a process, but people really only engage when there is the immediacy of a planning application.<sup>234</sup>

73. We raised the concerns about reducing public engagement during our oral evidence session with the Minister. When asked about the criticism of the reduction in public involvement, he responded:

I do not agree with the proposition that we are reducing accountability or democratic involvement. We are shifting it forward, where we think it really ought to be, so that it can be about the upfront strategic design of communities rather than the reactive response to a particular application,

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230 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), North Southampton Community Forum ([FPS018](#)), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), Neighbourhood Planners, London ([FPS0032](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), The Smith Institute ([FPS0038](#)), Woodland Trust ([FPS0045](#)), Mineral Products Association ([FPS0050](#)), The Heritage Alliance ([FPS0066](#)), Rutland County Council ([FPS0071](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Southwark Council ([FPS0110](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Commonplace ([FPS0136](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Sustrans ([FPS0151](#)), The Highgate Society ([FPS0155](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))

231 Historic England ([FPS0092](#))

232 Royal Town Planning Institute ([FPS0113](#))

233 [Q38](#) (Andrew Longley and Lisa Fairmaner)

234 [Q42](#) (Andrew Longley), [Q94](#) (Claire Dutch)



often where very few people get involved and it is rather difficult to navigate and understand what is being proposed. I do not recognise that characterisation of our proposals.<sup>235</sup>

74. He thought digitalisation could help get people involved in Local Plans, citing the recent 4,500 virtual viewings of the South Oxfordshire Local Plan examination (although this involvement did not appear to have caused significant alterations to be made to the plan). He explained that planning proposals that do not meet the “preordained strategic plan” (the Local Plan) in growth and renewal areas could still be brought forward through the present planning process.<sup>236</sup> We raised with the Minister the absence of references to councillors in the White Paper.<sup>237</sup> He assured us that “That is not by any means or in any way a desire to exclude local councillors”, and that he had spoken to councillors both individually and through bodies such as the LGA and District Council Network.<sup>238</sup>

## Planning and the legal system

75. The evidence we received emphasised there would potentially be an increase in legal challenges, through judicial review, as a result of the Government’s reforms.<sup>239</sup> Claire Dutch, a planning lawyer, told us that there was likely to be an initial flurry of judicial reviews. She expected once the system was established there would be fewer judicial reviews, but they would be directed against Local Plans. This, she warned, would be “more debilitating” because a successful review “can stop it [the Local Plan] in its tracks and stymie development generally in that area ... The JRs [judicial reviews] against plans does worry me.” She also emphasised that planning appeals would continue, as developers would proceed through the standard planning process when they thought the Local Plan’s requirements would not permit them the necessary “density, height, scale, massing, et cetera” in their proposals.<sup>240</sup> The Smith Institute feared this potential increase in legal challenges “would be a major disaster—especially at this very difficult time.”<sup>241</sup> We were also warned that the changes would take time to bed in as new legal precedents were established.<sup>242</sup> The changes could also lead to a diversion of “resources into fighting off five-year housing-land-supply appeals”.<sup>243</sup> One specific change likely to increase recourse to judicial review, highlighted by the Canal and River Trust, is the possible abolition of the ‘examination stage’.<sup>244</sup> That is one option proposed by the Government in its consultation.<sup>245</sup>

**76. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and***

235 [Q154](#) (The Minister)

236 [Q128](#) (The Minister)

237 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

238 [Q153](#) (The Minister)

239 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Commonplace ([FPS0136](#))

240 [Q110](#) (Claire Dutch)

241 The Smith Institute ([FPS0038](#))

242 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#))

243 [Q33](#) (Andrew Longley)

244 Canal & River Trust ([FPS0048](#))

245 MHCLG, [White Paper: Planning for the Future](#), pp 35–6

*publishing of statistics about public involvement in Local Plans and in individual planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged.*

77. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the Local Plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.*

78. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications. *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.*

## Technology

79. Another significant part of the Government's proposed reform involved increasing the use of digital technology in the planning process. The main proposal was that "Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template." It was proposed that all development management policies and codes would be written in a machine-readable format. Furthermore, there should be greater digitalisation and standardisation of processes, including making data more easily available, using digital template for planning notices, the use of 3D mapping, and the delegation of detailed planning decisions to planning officers where the principle of development has been established. The Government argued this would draw in a younger audience, making information more easily available on a national level, and bolster the PropTech sector.<sup>246</sup>

80. The overwhelming majority of our evidence voiced criticisms of the current state of technology in the planning system. The Home Builders Federation described the current situation as "antiquated processes to engage the public."<sup>247</sup> The Institute of Historic Building Conservation stated: "There is scope to utilise more digital technology in planning."<sup>248</sup> We were told that there was a lack of access to datasets.<sup>249</sup> Likewise, the CPRE argued that the sheer number of development plan documents made it hard for the public to know which were current and relevant.<sup>250</sup> We also received complaints about an existing digital system called Planning Portal. This is a digital planning and building resource for England and Wales, which covers c.90% of planning applications, along with advice and guidance. It was founded by MHCLG but does not now receive taxpayers' money.<sup>251</sup> We were told that it was "not user friendly and should be revamped."<sup>252</sup>

246 MHCLG, [White Paper: Planning for the Future](#), pp 16, 33–4

247 Home Builders Federation ([FPS0073](#))

248 Institute of Historic Building Conservation ([FPS0044](#))

249 PortalPlanQuest Limited ([FPS0030](#))

250 CPRE the countryside charity ([FPS0077](#)). See also Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

251 PortalPlanQuest Limited ([FPS0030](#))

252 National Organisation of Residents Associations ([FPS0005](#)), North Southampton Community Forum ([FPS0018](#))



81. We were informed that parts of the current system do already make use of electronic and digital tools in plan-making, decision-making, and in sharing information about applications.<sup>253</sup> There was praise for email notifications about applications on a street-level basis, and the use of virtual planning committee meetings introduced during the COVID-19 pandemic.<sup>254</sup> It was noted those with care responsibilities and mobility problem had been able to participate.<sup>255</sup> However the CPRE did note that even more people would have been engaged had meetings been recorded; and that the virtual format removed the opportunity for informal conversations with participants, leading “to a rather stale format rather than constructive conversation.”<sup>256</sup> It was also suggested that direct subscriptions to get notifications of planning application should become commonplace.<sup>257</sup>

82. There was support for increasing the amount of digitalisation in the planning system, including maps and open data. It was thought likely to increase the involvement of younger people in the process, addressing their lower engagement at present,<sup>258</sup> alongside retailers and prospective homeowners.<sup>259</sup> It was also thought likely to increase the pace and efficiency of the system.<sup>260</sup> There was support for the better collection of data with a creation of national data standards and templates;<sup>261</sup> and for 3D maps.<sup>262</sup> We were told information gathered through the planning system could help with building safety through fostering a golden thread of building information,<sup>263</sup> and that digital technology could facilitate planning across local authorities.<sup>264</sup> London was cited as an example of good practice that others aspired to. There social media has helped to bolster engagement, there is more open data available in a public format and on a single website, different 3D models are available, and data on strategic house land available can be collected live rather than through a rolling programme.<sup>265</sup>

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253 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), National Organisation of Residents Associations ([FPS0005](#)), District Councils' Network ([FPS0082](#)), Southwark Council ([FPS0110](#)), Greater London Authority ([FPS0149](#))

254 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

255 Just Space ([FPS0115](#))

256 CPRE the countryside charity ([FPS0077](#))

257 Home Builders Federation ([FPS0073](#))

258 South Worcestershire Councils ([FPS0015](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

259 Association of Convenience Stores ([FPS0069](#)), Sage Housing ([FPS0090](#))

260 Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), Historic England ([FPS0092](#)), [Q2](#) (Brian Berry)

261 PortalPlanQuest Limited ([FPS0030](#)), Locality ([FPS0086](#)), Water UK ([FPS0140](#)), GL Hearn ([FPS0141](#)), City of London Corporation ([FPS0148](#))

262 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

263 National Fire Chiefs Council ([FPS0040](#))

264 [Q116](#) (Steve Quartermain)

265 [Q61](#) (Lisa Fairmaner and Andrew Longley)

83. The general support for enhanced technology was coupled with wanting a continuation of existing, non-digital methods of communication.<sup>266</sup> We were told that surveys had found 5.3 million people adults in the UK had not accessed the internet in the preceding three months,<sup>267</sup> that 9 million people in the UK struggle to use the internet independently,<sup>268</sup> and that 11.9 million people lack the digital skills needed to go online.<sup>269</sup> The changes might adversely affect people living in rural areas (because of a less reliable connection to broadband),<sup>270</sup> the elderly,<sup>271</sup> the poor,<sup>272</sup> those in manual occupations,<sup>273</sup> those without English as a first language,<sup>274</sup> disabled people,<sup>275</sup> and Gypsy and Traveller communities.<sup>276</sup> It was suggested, drawing on experience from neighbourhood plans, that IT was often the less successful way of engaging local people.<sup>277</sup> The poor record of central government in delivering IT solutions was also emphasised.<sup>278</sup>

84. The possible automation of aspects of the planning process also attracted scepticism.<sup>279</sup> Friends of the Earth argued it would lead to a tick-boxes approach devoid of consideration of the context of applications.<sup>280</sup> The Civic Voice feared using digital technology to decide

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- 266 Tenterden Town Council ([FPS0003](#)), Hever Parish Council ([FPS0007](#)), Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), CLA ([FPS0049](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Chartered Institute of Building ([FPS0096](#)), POETS (Planning Oxfordshire's Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Commonplace ([FPS0136](#)), LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Robert Rush ([FPS0163](#))
- 267 National Trust ([FPS0157](#))
- 268 The Heritage Alliance ([FPS0066](#))
- 269 News Media Association ([FPS0068](#))
- 270 Hever Parish Council ([FPS0007](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), CLA ([FPS0049](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), The Heritage Alliance ([FPS0066](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 271 Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), Centre for Ageing Better ([FPS0055](#)), London Borough of Hackney ([FPS0091](#)), London Tenants Federation ([FPS0112](#)), Newcastle City Council ([FPS0159](#))
- 272 Rother Association of Local Councils (RALC) ([FPS0012](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), London Borough of Hackney ([FPS0091](#))
- 273 Just Space ([FPS0115](#))
- 274 London Tenants Federation ([FPS0112](#))
- 275 Newcastle City Council ([FPS0159](#))
- 276 London Gypsies and Travellers ([FPS0067](#))
- 277 Rother Association of Local Councils (RALC) ([FPS0012](#))
- 278 Cllr John Crawford ([FPS0008](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#))
- 279 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Stonewater ([FPS0103](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 280 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

if design codes had been met would lead to “a uniformity of development which would not meet the aims of building beautifully.”<sup>281</sup> The Wildlife and Countryside Link argued that using simplified and digitised Local Plans would “undermine the role of local people in identifying and protecting natural spaces and in scrutinizing development applications and the planning process.” They wanted a continuation of ‘traditional’ Local Plans alongside the shorter digital ones.<sup>282</sup> The Canal and River Trust shared these concerns about arbitrary page limits, and added that “Machine-readable/automated approach and use of prescriptive technical standards not appropriate for issues most relevant to the Trust.”<sup>283</sup>

85. Consequently, there were calls for the preservation of existing methods of advertising planning applications and Local Plan consultations through signs on lampposts, walk in ‘town hall’ events, face to face engagement (e.g. through workshops), hard copy documentation, and notices in local newspapers. We were told that this helped to ‘push’ information to the public.<sup>284</sup> The techniques of neighbourhood planning were recommended as a way to enhance public engagement.<sup>285</sup> The News Media Association stressed to us the harmful impact on local newspapers that would result from withdrawing statutory notices.<sup>286</sup> It was suggested in both written and oral evidence that a review of the role of local newspapers might be due.<sup>287</sup>

86. Several submissions suggested that citizens assemblies might have a role to play in planning.<sup>288</sup> They were particularly recommended as a means to draw in hitherto under-represented members of a community.<sup>289</sup> The CPRE saw it as a way to reduce the adversarial culture of planning.<sup>290</sup> On the other hand, one individual from a borough reputedly already engaged in citizens assemblies expressed strong criticism of them and a preference for residents associations.<sup>291</sup>

87. We put to the Minister the concerns raised about how greater use of digital technology could disadvantage certain people and communities. He argued that “as the years roll on, more and more people will have access to digital tools”. But he added that local authorities could decide to use other methods such as publishing adverts in local papers. Asked whether local authorities would be required to put notices on lampposts and in local newspapers the Minister said the Government would reflect on the consultation responses and that it was for authorities “to work out what they may need to do themselves to communicate with their constituents.” He suggested the Government might wish to see how the new method of mailing out Local Plans necessitated by COVID-19, rather than having them available in libraries or local authority buildings, played out.<sup>292</sup>

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281 Civic Voice ([FPS0076](#))

282 Wildlife & Countryside Link ([FPS0075](#))

283 Canal & River Trust ([FPS0048](#)). See also Homes for the South West ([FPS0070](#)), Bristol City Council ([FPS0119](#))

284 Tenterden Town Council ([FPS0003](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

285 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

286 News Media Association ([FPS0068](#))

287 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), [Q60](#) (Lisa Fairmaner)

288 NALC ([FPS0021](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), UK2070 Commission ([FPS0128](#))

289 CLA ([FPS0049](#))

290 CPRE the countryside charity ([FPS0077](#))

291 Robert Rush ([FPS0163](#))

292 [Qq158–160](#) (The Minister)

88. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.*

## 5 The housing formula

89. This chapter chiefly focuses on the housing ‘formula’, sometimes called the ‘algorithm’, used for determining housing need. It considers the arguments for and against such a formula (the current formula, or ‘Standard Method’ was introduced in 2018); the reforms to the formula proposed in August 2020 (which we refer to as the “proposed formula”); and the subsequent revised formula announced by the Government in December 2020 (which we refer to as the “revised formula”). This revised formula involved retaining the 2018 formula but with the addition of an ‘urban uplift’ applied to twenty major towns and cities.

### The current situation

90. Attempts by central Government to introduce targets for housing output in local areas have long proven contentious.<sup>293</sup> The previous practice of having local authorities decide at the Local Plan stage was criticised for having been time-consuming and for worsening the affordability of housing.<sup>294</sup> In July 2018 the current method for determining housing need, called the ‘Standard Method’, was introduced. This has three steps:

- The starting point, or baseline, is the 10-year average of the 2014-based household growth projections in England.
- The household growth figure is then adjusted based on the affordability of property in an area. Where average house prices exceed four times the average earnings of someone working in the area the figure is adjusted upwards. Consequently, where prices exceed income by eight times there will be 25% more housing above the household growth figure.
- A 40% cap then limits the increase an individual local authority can face over a ten-year period.<sup>295</sup>

91. The housing need calculated by the standard method feeds into the housing requirement for an area that is agreed to in Local Plans, joint and strategic plans.<sup>296</sup> Performance by local authorities in achieving their required housing is measured on a yearly basis by the Housing Delivery Test, which shows the percentage of net homes delivered against the number of homes required over a rolling three-year period. From November 2020 LPAs have needed to meet 75% of the target; otherwise a presumption in favour of sustainable developments applies for planning applications in that authority.<sup>297</sup>

92. In September 2018 the Office for National Statistics (ONS) released 2016-based household projections, which showed much lower projections compared to those based on 2014.<sup>298</sup> In October 2018 the Government held a consultation about possible changes to the ‘standard method’ partly in response to the ONS data. It argued the 2016-based

293 The Smith Institute ([FPS0038](#))

294 Sage Housing ([FPS0090](#))

295 MHCLG, [Changes to the current planning system](#), August 2020, p 10

296 MHCLG, *National Planning Policy Framework*, [CP48](#), February 2019, paras 60, 65.

297 MHCLG, [National Planning Policy Framework Annex 1: Implementation](#), para 215; MHCLG, [Housing Delivery Test Measurement Rule Book](#), July 2018

298 ONS, [Household projections in England: 2016-based](#), September 2018. Figure 1 shows the comparison of the two projections.

projections did not mean there was a need for fewer houses and proposed to retain the 2014-based projections.<sup>299</sup> These views were reiterated in February 2019.<sup>300</sup> In June 2020 the ONS released 2018-based household projections, with results very similar to the 2016-based projections.<sup>301</sup>

93. In August 2020 the Government justified moving to a new formula by pointing to criticisms of the household projection figures. These were that the projections are too volatile and have underestimated housing need in places of overcrowding and suppressed housing demand. It also argued the ‘Standard Method’ underestimated demand in the Northern Powerhouse, and would not deliver the target 300,000 housing units a year in England by the mid-2020s.<sup>302</sup> Homes for the North argued that the ‘Standard Method’ had resulted in the assessed housing need for the north of England requiring 13,340 fewer homes than previously agreed in existing Local Plans, thereby undermining the levelling up agenda.<sup>303</sup>

### The Government’s initial proposal

94. In August 2020, the Government outlined its proposed reforms to the housing formula—which we refer to in this Chapter as the “proposed formula”:

- The baseline would either be the latest household projections, or an increase of 0.5% on the area’s current housing stock.
- The affordability adjustment would take account of changes in the affordability ratio over the last ten years. This would mean higher figures for areas where affordability had worsened; and a downward adjustment where prices were lower than four times higher than earnings.
- There would be no cap on housing need figures.

The Government estimated this would produce a total demand of 337,000 housing units.<sup>304</sup> The Housing Delivery Test would remain in place, with the housing requirement made binding, and resulting from the standard method.<sup>305</sup> In December 2020 the Government proposed revisions to this approach which we discuss later.

### Do we need a standard method?

95. Our evidence fell into three categories: those who supported the Government’s proposed formula, those who approved of the principle of a standard method formula but dissented from the proposed formula, and those who disagreed with the method and wanted decisions on housing need determined locally. Our predecessor committees have previously expressed support for introducing a new standardised methodology, and for encouraging LPAs and the Planning Inspectorate to take account of it.<sup>306</sup>

299 MHCLG, [Technical consultation on updates to national planning policy and guidance](#), October 2018, pp 8–12

300 MHCLG [Government response to the technical consultation on updates to national planning policy and guidance](#), February 2019, pp 7–8

301 ONS, [Household projections for England: 2018-based](#), June 2020

302 MHCLG, [Changes to the current planning system](#), August 2020, pp 10–11. The mid-2020s timescale is given in National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, p 6

303 Homes for the North ([FPS0107](#))

304 MHCLG, [Changes to the current planning system](#), August 2020, pp 11–16

305 MHCLG, [White Paper: Planning for the Future](#), pp 27–8; Lichfields, [‘Setting a higher standard – a new method for assessing housing needs’](#), 7 August 2020

306 Communities and Local Government Committee, Fourth Report of the 2014–15 Session, [Operation of the National Planning Policy Framework](#), HC 190, para 70; Communities and Local Government Committee, Tenth Report of the 2016–17 Session, [Capacity in the homebuilding industry](#), HC 46, para 75



96. Various submissions, including from local authorities and other local groups, expressed the view that determining housing need should be predominantly or exclusively decided by local bodies. They were best placed to take account of local circumstances.<sup>307</sup> Newcastle City Council thought

the national Local Housing Need formula [should] be withdrawn, as since its introduction it has led to uncertainty of planning for new homes targets in local plans, and invariably leads to at best crude estimates of need, and at worst would require authorities to plan for homes that are not needed.<sup>308</sup>

South Worcestershire Council, among others, favoured reverting back to LPAs using local evidence to calculate housing need and including it in Local Plans.<sup>309</sup> There was also support for a regional approach.<sup>310</sup> Some did acknowledge there were merits to a standardised approach whilst ultimately still wanting decisions taken locally.<sup>311</sup> The LGA said:

It is our view that assessment of local housing need, including overall numbers and tenure mix, should be determined locally based on the relevant, most up to date evidence, because what might be the optimum tenure mix in one place, will not be in another. Any proposed new method should be optional to use for local planning authorities where it is appropriate for the housing market that they operate within.<sup>312</sup>

97. Some organisations supported the principle of a standard method, whilst wanting proper consideration of local circumstances and revisions to the proposed approach.<sup>313</sup> Kate Henderson, representing the National Housing Federation, supported having a transparent methodology for the standard method. But she added “we need a methodology that balances broader criteria. It needs to take into account both local and sub-regional expertise and judgment. There is going to need to be a backstop in the process as well.” She identified the current approach as lacking consideration of levelling up and differences between urban and rural areas.<sup>314</sup>

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- 307 National Organisation of Residents Associations ([FPS0005](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Greater London Authority ([FPS0149](#)), London Borough of Hackney ([FPS0091](#)), Mrs Allyson Spicer ([FPS0162](#))
- 308 Newcastle City Council ([FPS0159](#))
- 309 South Worcestershire Councils ([FPS0015](#)), POETS (Planning Oxfordshire's Environment and Transport Sustainably) ([FPS0108](#)), Royal Town Planning Institute ([FPS0113](#))
- 310 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), Bristol City Council ([FPS0119](#)), Just Space ([FPS0115](#)), GL Hearn ([FPS0141](#))
- 311 Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Abri ([FPS0078](#)), District Councils' Network ([FPS0082](#)), Locality ([FPS0086](#)), Stonewater ([FPS0103](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#)), [Q35](#) (Lisa Fairmaner and Andrew Longley).
- 312 Local Government Association ([FPS0056](#))
- 313 Ashford Borough Council ([FPS0016](#)), National Trust ([FPS0157](#))
- 314 [Q7](#) (Kate Henderson). See the National Housing Federation ([FPS0158](#))



98. There was also support for a more thoroughgoing national approach.<sup>315</sup> For example, South Staffordshire Council favoured a statutory duty to meet housing targets laid down nationally, which would ensure local authorities cooperated with one another.<sup>316</sup> The British Property Federation also argued that ensuring “sufficient housing is something that national governments should be held accountable for,” and thus they supported “the need for up-to-date local plans, standard methodology, and housing delivery test.”<sup>317</sup> Claire Dutch argued there needed to be a standard method, that communities coming up with the figure “has not really worked”. The current algorithm had not produced the right figures, and therefore she favoured a “top-down approach” with fine-tuning of the algorithm.<sup>318</sup>

## Views of the Government’s proposed formula

99. There was support, including from organisations linked to housing development and delivery, for the Government proposed new formula announced in August 2020. This was sometimes tempered by a wish for further details.<sup>319</sup> Pocket Living called for binding housing targets and clear penalties for under-delivery, an idea which was supported in oral evidence by Philip Barnes on behalf of Barratt.<sup>320</sup>

100. However, there was also considerable hostility towards the proposed formula. Tenterden Town Council called it “a weapon of “Mass Destruction” of unprecedented scale.” They argued this would squeeze out “the local community who have local knowledge of their specific parish.”<sup>321</sup> This was echoed in our public engagement event: “the planning white paper is proposing a tyranny of algorithm as well as of numbers.” (Participant D, Room 2)<sup>322</sup> Our evidence also included claims it would have a negative impact on the countryside, and preferences for local decision-making.<sup>323</sup>

101. A strong strand of criticism of the Government’s proposed formula was its impact on levelling up. It was seen to be increasing housing in London and south-east, whilst reducing the targets for housing in the north of England. We were warned the proposed

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315 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Centre for Cities ([FPS0144](#)), Shelter ([FPS0154](#))

316 South Staffordshire Council ([FPS0142](#))

317 British Property Federation ([FPS0127](#))

318 [Q115](#) (Claire Dutch)

319 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Peel L&P ([FPS0094](#)), PricedOut ([FPS0129](#)), GL Hearn ([FPS0141](#)), South Staffordshire Council ([FPS0142](#)), Anglian Water ([FPS0146](#)), Midland Heart ([FPS0152](#))

320 Pocket Living ([FPS0023](#)), [Q2](#) (Philip Barnes)

321 Tenterden Town Council ([FPS0003](#))

322 The proposed reforms to the housing formula to determine housing need were actually outlined in a separate consultation document from the White Paper.

323 Tenterden Town Council ([FPS0003](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), London Borough of Hackney ([FPS0091](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), LSE London ([FPS0139](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

formula risked “directing development away from areas of potential growth.”<sup>324</sup> These objections were to remain pertinent when evaluating the Government’s revised formula announced in December 2020.

102. The strong emphasis in the formula on household projections were seen as obliging councils that had already delivered high rates of housebuilding to continue doing so.<sup>325</sup> There was criticism of the quality of the household projection data.<sup>326</sup> Alan Wenban-Smith included a discussion of the issues posed by calculation of household projections and highlighted how “Around 90% of the housing market is turnover of existing stock”. Therefore, he argued “meeting housing needs is not simply a matter of new build equalling or exceeding the growth in the number of households.”<sup>327</sup>

103. Consequently, there were various ideas for amending the proposed formula. We were told that rather than using a house price to workplace earnings ratio, the use of a house to price to residence-based earnings would be more suitable in commuter areas.<sup>328</sup> There were proposals to include natural population growth and exclude net migration in and out of an area,<sup>329</sup> to include data on hidden households and local housing needs (particularly social housing),<sup>330</sup> and that the formula should take account of median pension earnings to ensure housing for the elderly.<sup>331</sup> The CLA wanted to ensure settlements of under 3,000 houses were included in housing needs assessments.<sup>332</sup> Homes for the North proposed scrapping the household projections and starting instead with a 1% increase in existing housing, because this would encourage greater housebuilding in the north and focus growth in urban areas, alongside having the LPA lead on using past delivery rates, regeneration, vacancy and second home rates, and specific types of housing to determine local housing need, which would be validated by the Government and Planning Inspectorate.<sup>333</sup> The Federation of Master Builders suggested greater use of developer forums to determine and agree local need, citing the example of North East Lincolnshire.<sup>334</sup>

104. The Adam Smith Institute called for more detail to be included on how the new target would work “including adjustments for constraints such as Green Belt, Metropolitan Open Land—much of which comprises irreplaceable parks—Conservation Areas and Areas of Outstanding Natural Beauty.”<sup>335</sup> It was also proposed that the National Parks should be exempt from the method.<sup>336</sup> The Centre for Cities wanted a greater emphasis placed on

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324 The Smith Institute ([FPS0038](#)), Stonewater ([FPS0103](#)), Homes for the North ([FPS0107](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), [Q7](#) (Kate Henderson), [Q92](#) (Nigel Wilson)

325 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

326 LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#))

327 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

328 Hever Parish Council ([FPS0007](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cycling UK ([FPS0123](#))

329 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

330 TCPA ([FPS0034](#))

331 Anchor Hanover ([FPS0074](#))

332 CLA ([FPS0049](#))

333 Homes for the North ([FPS0107](#))

334 The Federation of Master Builders (FMB) ([FPS0125](#))

335 Adam Smith Institute ([FPS0085](#))

336 Campaign for National Parks ([FPS0043](#))

affordability and prices to ensure sufficient housing supply in prosperous areas.<sup>337</sup> Attaching significance to affordability was championed by other submissions.<sup>338</sup> This contrasted with Lisa Fairmaner, representing the GLA, who said that the affordability criteria created volatile housing targets, and that London does “not have the capacity to deliver”. Using it prevented ‘levelling up’ and meant building where there was no infrastructure.<sup>339</sup> Andrew Longley, from North Northamptonshire Joint Planning and Delivery Unit, argued that the higher targets would not bring affordable housing, and “Relying on past household projections moving forward really just bakes in past performance”.<sup>340</sup> There was wider support for the view that London needed to be treated differently, and that the number of houses for London in the new formula could not realistically be built.<sup>341</sup>

105. The Minister explained that in devising reforms to the formula, the “first approach was to look at affordability”, because of the problems of very high house prices and demand exceeding supply “for far too long”. He then stated other considerations “such as brownfield regeneration and city centre regeneration, and levelling up ... These are all considerations we had to make as we were designing the methodology.”<sup>342</sup> He later added “We take levelling up into consideration when we look at the housing need and how that applies to different elements of the country.”<sup>343</sup> He reiterated previous commitments to reconsidering the figures—foreshadowing the subsequent revised proposals.

## The Government’s revised formula

106. On 16 December 2020 the Government published its response to the consultation on the proposed formula.<sup>344</sup> The Government proposed to abandon the proposed formula and instead retain the current standard method. But this would be with the addition of a 35% ‘urban uplift’ to the post-cap number for 20 major towns and cities. These were London, Birmingham, Liverpool, Bristol, Manchester, Sheffield, Leeds, Leicester, Coventry, Bradford, Nottingham, Kingston upon Hull, Newcastle upon Tyne, Stoke-on-Trent, Southampton, Plymouth, Derby, Reading, Wolverhampton, and Brighton and Hove. It also published data for each local authority.<sup>345</sup>

107. The Government argued that the 20 major towns and cities subject to the uplift could better utilise existing infrastructure to support new housing, use former retail and commercial properties and brownfield sites, and building there would reduce high-carbon travel. It emphasised that the increase in new housing would be met by urban centres not by their surrounding areas, although LPAs would be expected to cooperate. It explained that the urban uplift in London would only be applicable once the recently agreed London Plan is subject to further revision towards the end of its five-year duration in 2026. The Government explained it would continue to use the 2014 rather than

337 Centre for Cities ([FPS0144](#))

338 Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#))

339 [Q33](#) [Q35](#) (Lisa Fairmaner)

340 [Q35](#) (Andrew Longley). See also North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

341 Historic England ([FPS0092](#)), Savills ([FPS0101](#)), Southwark Council ([FPS0110](#)), Land Promoters and Developers Federation ([FPS0138](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenities & Civic Societies ([FPS0156](#)), [Q7](#) (Philip Barnes), [Q35](#) (Lisa Fairmaner)

342 [Q129](#) (The Minister)

343 [Q130](#) (The Minister)

344 MHCLG, [Government response to the local housing need proposals in “Changes to the current planning system”](#), December 2020.

345 See MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. Lichfields published their own estimates: [‘How many homes? The new Standard Method’](#) (no date)

2018-based household projections, because a change would cause a “substantial change in the distribution of housing need”. They preferred to continue to use a workplace-based rather than the residence-based earnings ratio proposed by those concerned about the impact of higher earners in commuter areas. This was because “people typically choose to live close to where they work—and therefore [the workplace-based earnings ratio] is a proxy for demand within the housing market.” The Government’s proposal also meant the removal of the downward adjustment where the affordability ratio was below 4.

## Opinions on the revised formula

108. As the Government announced its revised formula after our final oral evidence session, we only received supplementary evidence about it from Homes in the North. They noted that the figures published by the Government when announcing the revised formula in December 2020 were lower than the number of houses delivered in the last three years in many rural and suburban areas of the north of England. But this was not so in Manchester, Leeds, Bradford, or Sheffield. They also stated there might be insufficient brownfield land in those cities to avoid having to encroach on the Green Belt.<sup>346</sup> There has been criticism of the practicality of the proposed uplift by members of Leicester, Southampton, and Barking and Dagenham councils, and from the Mayor of London’s office.<sup>347</sup> Analysis by Lichfields have shown the difference between existing building level and the revised formula. We note that the average delivery over the last three years has been higher than the revised formula (the standard method with urban uplift) in the West Midlands, the East Midlands, North West, North East, and Yorkshire and the Humber. This is not so for all the local authorities subject to the urban uplift in those regions.<sup>348</sup>

**Table 1: Difference between current delivery and new formula**

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
<b>North East of England</b>	<b>9,816</b>	<b>6,625</b>	<b>-3,191</b>	<b>-32.51%</b>
Newcastle upon Tyne	1,867	1,399	-468	-25.07%
<b>North West of England</b>	<b>29,844</b>	<b>22,057</b>	<b>-7,787</b>	<b>-26.09%</b>
Liverpool	2,500	2,103	-397	-15.88%
Manchester	3,108	3,527	419	+13.48%
<b>Yorkshire and the Humber</b>	<b>19,930</b>	<b>18,851</b>	<b>-1,079</b>	<b>-5.41%</b>
Bradford	1,415	2,300	885	+62.54%
City of Kingston upon Hull	940	536	-404	-42.98%
Leeds	3,014	3,763	749	+24.85%
Sheffield	2,454	2,877	423	+17.24%

346 Homes for the North ([FPS0166](#))

347 “Councils hit out at government’s ‘unrealistic’ new planning formula”, Inside Housing, 24 February 2021

348 Lichfields, [‘Mangling the mutant: change to the standard method for local housing need’](#), 16 December 2020

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
<b>East Midlands</b>	<b>22,454</b>	<b>21,679</b>	<b>-775</b>	<b>-3.45%</b>
Derby	645	1,189	544	+84.34%
Leicester	1,490	1,341	-149	-10.00%
Nottingham	1,552	1,551	-1	-0.06%
<b>West Midlands</b>	<b>23,777</b>	<b>21,960</b>	<b>-1,817</b>	<b>-7.64%</b>
Birmingham	3,696	4,829	1,133	+30.65%
Coventry	1,612	2,325	713	+44.23%
Stoke on Trent	905	675	-230	-25.41%
Wolverhampton	769	1,013	244	+31.73%
<b>East England</b>	<b>26,655</b>	<b>34,089</b>	<b>7,434</b>	<b>+27.89%</b>
<b>London</b>	<b>36,686</b>	<b>93,579</b>	<b>56,893</b>	<b>+155.08%</b>
<b>South East</b>	<b>40,668</b>	<b>50,188</b>	<b>9,520</b>	<b>+23.41%</b>
Brighton and Hove	461	1,247	786	+170.50%
Reading	710	876	166	+23.38%
Southampton	967	1,353	386	+39.92%
<b>South West</b>	<b>26,006</b>	<b>28,210</b>	<b>2,204</b>	<b>+8.47%</b>
City of Bristol	1,535	1,247	-288	-18.76%
Plymouth	1,010	841	-169	-16.73%

Source: Data derived from Lichfields, 'Mangling the mutant: change to the standard method for local housing need', 16 December 2020. They derived the average dwellings data from MHCLG, [Live tables on housing supply: net additional dwellings](#), November 2020. The data for the standard method with the urban uplift is from MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. The calculations on changes in numbers and percentages undertaken by the Committee. The data on each local authority with an urban uplift is underneath the figure for the whole of its respective region.

109. The outstanding issues resulting from this revised formula are sixfold. First, there is the question of the viability of the proposals, especially in London. As the table above shows average delivery in 2017–20 in London had been 36,686 dwellings per year. The new Government approach would require 93,579 dwellings per year—an increase of over two and half times the current number of dwellings being delivered. Secondly, there are important variations in the size of local authorities, with places such as Birmingham, Bristol, Liverpool, Brighton and Newcastle having tight boundaries and limited available land.<sup>349</sup> There are also constraints posed by seas, rivers (with their flooding risk) and protected green spaces such as the South Downs National Parks. Thirdly, there are questions of whether there is sufficient brownfield land and the impact of using it.<sup>350</sup> Fourthly, there is the continuing use of household projection figures from 2014, and not the latest figures as proposed in the August 2020 consultation. The recent findings of the Office for Statistics Regulation's report into ONS population estimates highlighted that estimates for small cities with large student populations had tended to be larger than local evidence suggested. Various recommendations were made to improve the reliability of

349 A point highlighted by Rutland County Council ([FPS0071](#)), National Trust ([FPS0157](#))

350 Rutland County Council ([FPS0071](#)) commented "the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered".



these statistics.<sup>351</sup> Fifthly, the decision to use workplace-based rather than residence-based earnings in the affordability ratio. Sixthly, whether it serves the objective of “levelling up” to have a reduction in the expected housing provision that is often lower than that provided in the last three years in certain local authorities.

110. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area.

111. We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres. *The Government should:*

- *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*
- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work.*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands.*

112. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should*

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351 Office for Statistics Regulation, [Review of population estimates and projections produced by the Office for National Statistics](#), May 2021, pp 9, 19–20

*also take account of criticisms of the existing 'standard method' and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.*

- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority's assessment could then be evaluated by the Planning Inspectorate.*



## 6 How to deliver new homes

### The challenge

113. The Government is committed to increasing the annual delivery of housing units in England to 300,000 units per year, enabling the supply of at least a million new homes by the end of the Parliament in 2024.<sup>352</sup> This is an immense challenge. During the 1930s there were several years when 300,000 housing units were completed. But since the Second World War in only six years (all in the 1960s) has this amount of housing been completed in England. This has only been achieved through extensive building of various types of housing, including social housing.<sup>353</sup> The Government's justification for the 300,000 new homes target is that "the result of long-term and persisting undersupply is that housing is becoming increasingly expensive."<sup>354</sup>

114. There has been strong criticism of the failure of the Government to explain how it will deliver their target of 300,000 housing units. The Public Accounts Committee lamented in November 2020 that the Government had not clarified how it would achieve this target.<sup>355</sup> Our report into *Building more social housing* in July 2020 called for targets for social rent, affordable rent, intermediate rent, and affordable homeownership. We argued that at least 90,000 social rent properties were needed.<sup>356</sup>

### Views about the housing target

115. We received divided views about the 300,000 housing units target. Civic Voice told us that their survey of members found the majority accepted new housing, with strong support for the 300,000-unit target.<sup>357</sup> Representatives from North Northamptonshire and the GLA supported it.<sup>358</sup> The Adam Smith Institute thought 500,000 or a million homes a year should be produced given current prices.<sup>359</sup> In contrast, other submissions stated that the 300,000 figure was "not based on any evidence",<sup>360</sup> or was "arbitrary."<sup>361</sup> There was a questioning of the idea that increasing housing supply would automatically lower prices.<sup>362</sup> Having received doubts about whether the construction industry could deliver 300,000 units,<sup>363</sup> we raised these concerns with developers. They assured us they could, although Philip Barnes noted that skills could be a barrier given the shortages of bricklayers and joiners.<sup>364</sup>

352 The Conservative and Unionist Party, [Get Brexit Done: Unleash Britain's Potential](#), November 2019, p 31.

353 House of Commons Library, [Tackling the under-supply of housing in England](#), March 2020. See Tables 2.1 and 2.3 in the accompanying spreadsheet. The figures for the 1930s are from England and Wales, but the total number of completions exceeds the highest number of post-war completions in Wales. The calculation in the 1930s is from 1 April to 31 March, whereas post-war figures use the calendar year.

354 MHCLG, [White Paper: Planning for the Future](#), p 12. See also Oral evidence taken on 12 March 2018, HC (2017–19) 830, [Q3](#), [Q11](#) (Dominic Raab MP)

355 Public Accounts Committee, Thirty First Report of the 2019–21 Session, [Starter Homes](#), HC88, para 3

356 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 53

357 Civic Voice ([FPS0076](#))

358 [Q36](#) (Andrew Longley and Lisa Fairmaner)

359 Adam Smith Institute ([FPS0085](#))

360 District Councils' Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#))

361 South Worcestershire Councils ([FPS0015](#))

362 Mark Stevenson ([FPS0083](#)), London Tenants Federation ([FPS0112](#))

363 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

364 [Qq17–18](#) (Philip Barnes). This skills problem was also identified in Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, [Cm 9720](#), October 2018, p 9

116. We echo the Public Accounts Committee's calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location.*

## Build out

117. Much of the evidence dealing with housing delivery focused on the question of 'build-out' rates. This is the speed with which developments with planning permission are being completed. The Letwin Review, published in October 2018, examined build out rates on very large sites. It recommended increasing the number of mixed sites, with different types and tenures of housing, to tackle the problem.<sup>365</sup>

118. The Letwin Report's conclusions were regularly cited by those attributing the slow delivery of new houses to developers rather than the planning system. It was also emphasised that one million planning permissions have been granted but not completed, and that nine out of ten planning applications are granted.<sup>366</sup> Rutland County Council referred to remarks in 2017 by the then Minister for Housing, Alok Sharma MP, urging greater transparency about build-out rates.<sup>367</sup> The council concluded that "Three years later no such action has been taken."<sup>368</sup> These complaints connected to the idea that local authorities were being unfairly blamed for not delivering housing and being penalised

365 Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, Cm 9720, October 2018, p 9

366 Tenterden Town Council (FPS0003), Cllr John Crawford (FPS0008), Daventry District Council (FPS0011), Rother Association of Local Councils (RALC) (FPS0012), Tamworth Borough Council (FPS0013), South Worcestershire Councils (FPS0015), North Southampton Community Forum (FPS0018), Liam Clegg (Lecturer at University of York) (FPS0019), Mr Richard Gilyead (FPS0022), Kent Association of Local Councils (FPS0028), TCPA (FPS0034), The Smith Institute (FPS0038), Campaign for National Parks (FPS0043), Institute of Historic Building Conservation (FPS0044), Oxfordshire Neighbourhood Plans Alliance (FPS0052), Local Government Association (FPS0056), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) (FPS0060), Rutland County Council (FPS0071), Wildlife & Countryside Link (FPS0075), Civic Voice (FPS0076), CPRE the countryside charity (FPS0077), Friends of the Earth England, Wales and Northern Ireland (FPS0081), Hills Homes Developments Ltd (FPS0084), Locality (FPS0086), London Borough of Hackney (FPS0091), Historic England (FPS0092), The Chartered Institute of Building (FPS0096), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098), POETS (Planning Oxfordshire's Environment and Transport Sustainably) (FPS0108), Southwark Council (FPS0110), Royal Town Planning Institute (FPS0113), Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Aldersgate Group (FPS0120), Alan Wenban-Smith (Proprietor at Urban & Regional Policy) (FPS0124), The Beaconsfield Society (Civic Society) (FPS0130), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallant (FPS0131), Rother District Council and Burwash: Save our Fields (FPS0143), North Northamptonshire Joint Planning and Delivery Unit (FPS0147), City of London Corporation (FPS0148), Greater London Authority (FPS0149), Shelter (FPS0154), London Forum of Amenity & Civic Societies (FPS0156), National Trust (FPS0157), Action with Communities in Rural England (ACRE) (FPS0161)

367 Oral evidence taken on 1 November 2017, HC (2017–19) 494, Q90 (Alok Sharma MP)

368 Rutland County Council (FPS0071)

through the housing delivery test when slow build out rates were the true cause.<sup>369</sup> Participants at our public engagement event also complained that developers were too slow at building out:

The government has been putting pressure on local authorities to get more houses built, but when you look at the number of sites that already have planning permission, there is no pressure on developers to build more next year than they built last year and to catch up on those sites. (Participant B, Room 1)

Our written evidence also highlighted that the retirement sector,<sup>370</sup> and small builders tended to deliver faster build out rates because of the smaller scale of their development.<sup>371</sup> It was also claimed that build out rates were less of a problem with high-scale tower blocs in urban areas,<sup>372</sup> but that slow build out rates did stymie downsizing by the elderly.<sup>373</sup>

119. Defending their record, the Home Builders Federation also cited the Letwin Report to argue that “the delivery of housing is a complex issue that cannot merely be dismissed by criticising the build-out rate of sites with planning permission.” These included the differing times it takes to develop different sites, and local hostility to new housing.<sup>374</sup> Developers disputed that they were deliberately slow, arguing instead that they encouraged swift delivery.<sup>375</sup> Other explanations were offered, such as the challenges of viability as demonstrated by the slow pace of brownfield construction,<sup>376</sup> and the uncertainty produced by a discretionary planning system.<sup>377</sup> The Land Promoters and Developers Federation argued the one million unbuilt plots figure “does not reflect lapsed consents, large schemes where there is extensive work in progress, or schemes held back through un-discharged conditions or constraints.” It only accounted for three years’ worth of housing, despite LPAs needing to have five years’ worth of land included in their Local Plans.<sup>378</sup> Barratt representative Philip Barnes cited various figures showing a need of 1 to 1.25 million planning permissions to deliver 250,000–300,000 homes a year. He later argued 4–5 million houses needed to either have permissions or be allocated in agreed Local Plans to be confident of getting 300,000 a year.<sup>379</sup> He said that the greatest barrier to construction was the planning system.<sup>380</sup>

120. An alternative viewpoint was articulated by the estate agents Savills: “on balance we consider the planning system is not the greatest obstacle to delivery of housing in England.” Instead the problem was that permissions were not in the right place to reflect

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369 Cllr John Crawford ([FPS0008](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), City of London Corporation ([FPS0148](#))

370 Lifestory Group ([FPS0116](#))

371 The Federation of Master Builders (FMB) ([FPS0125](#)), Midland Heart ([FPS0152](#)), [Q8](#) (Kate Henderson)

372 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

373 McCarthy & Stone ([FPS0061](#))

374 Home Builders Federation ([FPS0073](#))

375 Abri ([FPS0078](#)), [Q12](#) (Philip Barnes)

376 Peel L&P ([FPS0094](#))

377 Centre for Cities ([FPS0144](#))

378 Land Promoters and Developers Federation ([FPS0138](#))

379 [Q8](#), [Q11](#) (Philip Barnes)

380 [Q8](#) (Philip Barnes), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Abri ([FPS0078](#)), PricedOut ([FPS0129](#)), Centre for Cities ([FPS0144](#))

demand and the challenges of affordability.<sup>381</sup> Other submissions suggested both the planning system and build out rates were jointly at fault,<sup>382</sup> (or neither),<sup>383</sup> or that the problem was multifaceted.<sup>384</sup> Academics also cautioned against build out being seen as the primary problem, identifying instead “development finance, infrastructure provision, land ownership ... and legal delays.”<sup>385</sup> A small number of submissions also mentioned the economic cycle,<sup>386</sup> foreign ownership,<sup>387</sup> lack of infrastructure,<sup>388</sup> inequality,<sup>389</sup> and a lack of demand.<sup>390</sup>

## Speeding up build out rates

121. We received various suggestions on how to speed up build-out rates:

- Greater transparency in the land market and about which land has options on it.<sup>391</sup>
- A mandatory delivery test that identified barriers to housing delivery and steps to mitigate them.<sup>392</sup>
- Greater delivery of housing through the public sector,<sup>393</sup> including through the state purchasing land from non-builders and then selling it to developers with conditions on building within a particular timeframe.<sup>394</sup>
- Greater use of development corporations.<sup>395</sup>
- Empowering councils to direct diverse tenures be built within sites.<sup>396</sup>
- Streamlining the compulsory purchase process so local authorities can purchase land where developers have not met their agreed timescales for build out.<sup>397</sup>

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381 Savills ([FPS0101](#))

382 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Homes for the South West ([FPS0070](#)), Sage Housing ([FPS0090](#)), National Housing Federation ([FPS0158](#))

383 Land Promoters and Developers Federation ([FPS0138](#))

384 The Chartered Institute of Building ([FPS0096](#)), Bartlett School of Planning, University College London ([FPS0097](#))

385 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

386 National Organisation of Residents Associations ([FPS0005](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

387 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

388 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), LSE London ([FPS0139](#))

389 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#))

390 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

391 [Q8](#) (Kate Henderson)

392 Cllr John Crawford ([FPS0008](#))

393 North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), The Chartered Institute of Building ([FPS0096](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#))

394 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

395 TCPA ([FPS0034](#))

396 Local Government Association ([FPS0056](#))

397 Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#))

- Penalties for major developers failing to build out permissions within a certain time frame without reasonable explanation.<sup>398</sup>
- Land value taxes,<sup>399</sup> levying council tax a given amount of time after permission was granted,<sup>400</sup> or taxing land in growth zones to encourage its rapid conversion to housing.<sup>401</sup>
- Penalties (financial or through restriction of further consent) for delaying the completion of a planning permission.<sup>402</sup>
- Greater use of multi-tenure delivery on large sites, as proposed in the Letwin Review.<sup>403</sup>
- Requiring Section 106 agreements to be met within 12 months after permission was agreed, on pain of permission being cancelled.<sup>404</sup>

122. We asked developers about the proposals for taxes or penalties. Philip Barnes said: “They would have to be very, very carefully imposed”, and that mandatory build rates would need to be flexible to accommodate market circumstances. He mentioned that Barratt had previously reached such agreements with Homes England.<sup>405</sup> He also expressed confidence Barratt could deliver within a three-year timeframe, except where the site was not yet owned when permission was granted. He noted 86% of sites with planning permission are not secured by housebuilders.<sup>406</sup> Kate Henderson argued the “use it or lose it” approach was not the right way to deliver “the right homes in the high places of the right quality and with the right affordability in the face of a deep recession.” Brian Berry thought it would have little impact on small builders as they develop quickly, “but it would probably give a negative signal.”<sup>407</sup>

123. We asked the Minister about how the Government is ensuring planning permissions are built out, and about implementation of the Letwin Review’s recommendations. He argued some of the reforms proposed, such as zoning, would reduce incentives for developers to land bank (where land is purchased—or an option secured—for longer term strategic purposes rather than immediate development) because “they know that, as long as they tick the boxes and obey the law, they can build the homes.” It would reduce the fear of developers they would run out of land to build out before securing the next set of

398 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

399 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Campaign for National Parks ([FPS0043](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

400 Tenterden Town Council ([FPS0003](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), PricedOut ([FPS0129](#))

401 PricedOut ([FPS0129](#))

402 South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

403 British Property Federation ([FPS0127](#)), Greater London Authority ([FPS0149](#)), Midland Heart ([FPS0152](#))

404 Bristol City Council ([FPS0119](#))

405 [Q10](#) (Philip Barnes)

406 [Q14](#) (Philip Barnes)

407 [Q10](#) (Kate Henderson and Brian Berry)



planning permissions. These reforms would also encourage SMEs, which would reduce build out rates. He added he was keen to hear our thoughts on how to incentivise quicker build out.<sup>408</sup>

## Encouraging small builders

124. One of the aims laid out in the Planning White Paper is to support small and self-builders, those wanting to build innovatively, to develop diverse types and tenures of housing, and use modern methods of construction (MMC). This is used to justify using a value-based charge in the National Infrastructure Levy. It also promised to explore how publicly-owned land can be used to support SME and self-builders.<sup>409</sup> The Government also held a consultation on data on land control to help assist SMEs and new entrants to the housebuilding sector.<sup>410</sup> The Minister emphasised to us the role that he thought could be played by SMEs, arguing that funding for affordable housing would help SMEs develop, and that SMEs would help reduce build out times. Supporting them also justified the temporary raising of the Section 106 threshold on small sites.<sup>411</sup> In February 2021 the Government announced a £250 million Housing Accelerator Fund resulting from a five-year lending alliance between Homes England and the United Trust Bank, to provide SME builders with loans worth up to 70% of the gross development value (the estimated value of what a completed development will be).<sup>412</sup>

125. There has been a reduction in the contribution of small builders to house construction in recent years.<sup>413</sup> The Federation of Master Builders stated that SMEs had built 40% of new homes in 1980s, and 23% in 2008,<sup>414</sup> but now build only 12%.<sup>415</sup> The National Housing Federation agreed that the planning process was often harder for smaller developers, due to their lack of sites, equipment and specialist teams.<sup>416</sup> During our public engagement event we also heard concerns that the process was too onerous on small and self-builders:

Try and make them simpler. If it doesn't cause a problem with the neighbours, should it really go through an eight-week, £500 process? I don't think so. Some improvements in that area would be good for the smaller individuals.  
(Participant A, Room 1)

126. We were informed that small builders “pay close attention to the quality of design and build, the building performance and the positive contribution the development can make to the locality.”<sup>417</sup> The Federation of Master Builders argued that SMEs do not landbank, foster “slow and organic growth” by building on small sites, and produce high quality homes that mitigate anti-development sentiments in communities. They proposed requiring Homes England to dispose of small parcels of land to SMEs with permission in principle for development. They also recommended requiring the ringfencing of land for self and custom build.<sup>418</sup> Other proposals included putting the Development Management

408 [Q131](#), [Q149](#) (The Minister)

409 MHCLG, [White Paper: Planning for the Future](#), pp 14, 49, 54–5

410 MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020

411 [Q126](#), [Q131](#), [Q147](#), [Q149](#) (The Minister)

412 MHCLG, [Homes England and United Trust Bank launch £250m Housing Accelerator Fund](#), 16 February 2021

413 Hills Homes Developments Ltd ([FPS0084](#)), The Chartered Institute of Building ([FPS0096](#))

414 [Q16](#) (Brian Berry)

415 The Federation of Master Builders (FMB) ([FPS0125](#))

416 National Housing Federation ([FPS0158](#))

417 Mark Stevenson ([FPS0083](#))

418 The Federation of Master Builders (FMB) ([FPS0125](#))

policies section of the NPPF on a statutory footing,<sup>419</sup> requiring that there be a minimum number of SME developers on large multi-developer sites, greater resources for local authorities to oversee larger housing sites, and the promotion of a wider range and mix of housing sites in Local Plans.<sup>420</sup>

127. However, the Government's proposals for SMEs was thought to have failed to address "wider issues about buying and assembling land, development finance, and legal issues" that act as barriers to entry SMEs.<sup>421</sup> We were also told aspects of the changes would harm SMEs, for example reducing available sites on the edge of settlements which would now become protected areas.<sup>422</sup>

128. It is important to be realistic about the contribution SMEs can make. The Federation of Master Builders' members reckoned they would build 12,000 homes in 2021, but with support and reforms to the planning system they could raise this to 65,000 homes by 2025.<sup>423</sup> Nevertheless, the vast majority of the Government's 300,000 target would need to be produced by larger builders.

**129. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.**

## Specialist, affordable and social housing

130. In 2018 our predecessor committee published a report emphasising the importance of housing for older people.<sup>424</sup> It was urged that the provision of specialist housing—for older people and the disabled—should play an important role in meeting the 300,000 unit target.<sup>425</sup> The developer of retirement homes, McCarthy and Stone, commented that:

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419 GL Hearn ([FPS0141](#))

420 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

421 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

422 Stonewater ([FPS0103](#))

423 The Federation of Master Builders (FMB) ([FPS0125](#))

424 Housing, Communities and Local Government Committee, Second Report of the 2017–19 Session, [Housing for older people](#), HC 370

425 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Lifestory Group ([FPS0116](#))



The delays and uncertainty that we experience in the current planning process exacerbates the shortfall that already exists in specialist housing for older people. We therefore believe that the planning system should be adapted to facilitate the delivery of this much needed accommodation.<sup>426</sup>

131. Inspired Villages, a developer and operator of retirement communities, stressed the need for local authorities, through Local Plans, to identify and allocate appropriate amounts of different specialist housing.<sup>427</sup> A specific issue highlighted by another specialist developer, Anchor Hanover, was the classification of retirement communities, some being deemed C2 class for residential institutions, and others C3 as dwelling houses. They suggested a broad C2R classification that would include retirement housing, which would include properties without 24/7 on site care/support but nonetheless provided extra care support.<sup>428</sup>

132. Our 2020 report on social housing recommended that a “social housebuilding programme should be top of the Government’s agenda to rebuild the country from the impact of COVID-19.”<sup>429</sup> During this inquiry we were told that the only periods in post-war history where housebuilding rates had reached the 300,000 figure had been when there was very significant social housing building.<sup>430</sup> This reflected support for affordable and social house construction being a significant part of the increase in housing units.<sup>431</sup> The survey and public engagement event highlighted a preference towards smaller housing, affordable or social housing, over larger homes. There were worries expressed that affordable housing supply would fall because of the Government’s proposed reforms.<sup>432</sup>

133. Shelter argued that there was a need for 90,000 social homes each year to meet housing needs.<sup>433</sup> CPRE voiced support, with Crisis and the National Housing Federation, for 145,000 affordable homes per year. They proposed giving local authorities more support and powers over acquiring land and laying down requirements for housing types, designs, and tenures.<sup>434</sup> Philip Waddy from RIBA eagerly supported the ideas in the White Paper for giving local authorities more power to develop their own housing.<sup>435</sup> There was disagreement on whether affordable housing need should be determined locally,<sup>436</sup> or that instead affordability calculations in the housing formula should be used to produce specific targets by types of housing tenure.<sup>437</sup>

134. We asked about the Government’s view of the role of affordable housing in delivering 300,000 housing units. The Minister pointed to funding through the affordable homes programme that had produced 240,000 new affordable homes in the past and aimed to produce 180,000 in the future (with 32,000 at social rent). Half of these were at affordable

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426 McCarthy & Stone ([FPS0061](#))

427 Inspired Villages ([FPS0167](#))

428 Anchor Hanover ([FPS0074](#))

429 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 70

430 Rutland County Council ([FPS0071](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

431 TCPA ([FPS0034](#)), The Smith Institute ([FPS0038](#)), Local Government Association ([FPS0056](#)), Royal Institution of Chartered Surveyors ([FPS0065](#))

432 The Smith Institute ([FPS0038](#))

433 Shelter ([FPS0154](#))

434 CPRE the countryside charity ([FPS0077](#))

435 [Q77](#) (Philip Waddy)

436 Homes for the South West ([FPS0070](#))

437 Royal Town Planning Institute ([FPS0113](#))

or social rent; the other half being for owner occupation. He argued that Government reforms to the Housing Revenue Account had made it easier for local authorities to build social housing. In addition

our proposals to reform the planning system will make it much more transparent and much quicker, and will make sure that the infrastructure required to support homes is also built quickly. That is the objective. That should also help builders building homes, whether they are for private sale, private rent or affordable homes that are socially rented.”<sup>438</sup>

135. In January 2021, the Government announced the “opening a new Community Housing Fund to support community-based organisations to bring forward local housebuilding projects for the £11.5 billion Affordable Homes Programme, backed by £4 million of support for local plan.”<sup>439</sup> But its unwillingness to have as specific target for social rent accommodation was reiterated by the Parliamentary Under Secretary of State for Rough Sleeping and Housing, the Hon. Eddie Hughes, when giving evidence to our inquiry about the impact of COVID-19 on homelessness and the private rented sector.<sup>440</sup>

**136. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. *The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.***

## First Homes

137. Section 106 agreements are negotiated between local authorities and developers and place conditions on a development. For example, they might require a proportion of the housing being built be affordable housing. The Government consultation proposed that 25% of housing units built through Section 106 agreements would have to be provided through First Homes. These are properties which will be sold at a discount of at least 30%, to local people and prioritising first-time buyers, members and veterans of the armed forces and other key workers. The discount will be passed on to future buyers when they are resold.<sup>441</sup> There would be exceptions for certain sites. First Homes would also be exempt from the Community Infrastructure Levy.<sup>442</sup>

138. We were warned that First Homes risked weakening shared ownership provision. Homes for the South West reckoned it would reduce their delivery by 5–10%.<sup>443</sup> Sage Housing calculated their delivery of shared ownership would fall from 9,000 per annum

438 [Q125](#) (The Minister)

439 [“All new developments must meet local standards of beauty, quality and design under new rules”](#), MHCLG, 30 January 2021

440 [Q347](#) (Eddie Hughes)

441 MHCLG, [First Homes: Summary of responses to the consultation and the Government’s response](#), August 2020, pp 3–8

442 MHCLG, [Changes to the current planning system](#), pp 19–24

443 Homes for the South West ([FPS0070](#))

to 1,500 per annum because of First Homes. They accordingly wanted greater flexibility on delivering both First Homes and Shared Ownership.<sup>444</sup> There were also concerns about the loss of other types of affordable housing (and social housing) brought about by the Government's proposed requirement that 25% of affordable housing contributions should be First Homes. Doubts were expressed the First Homes would be affordable, particularly for key workers such as nurses and for those resident in London.<sup>445</sup> It was also suggested there should be a much wider rural exemption.<sup>446</sup> It was suggested that exemptions from the Infrastructure Levy should apply to all discounted market sale homes and affordable rent to buy properties.<sup>447</sup> In April 2021 the Government reiterated their proposal that 25% of Section 106 units be First Homes, albeit with exemptions for certain sites.<sup>448</sup>

**139. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.**

## Brownfield sites

140. Concerns have previously been expressed that housing policies, such as the housing delivery test, have promoted building on greenfield sites ahead of brownfield.<sup>449</sup> This was reinforced by the drop in the proportion of new residential addresses being created on previously developed land. In the last year for which figures are available, 2017–18, 53% of such addresses were created on previously developed land. This was a lower proportion than in the four preceding years, especially the 61% figure for 2015–16.<sup>450</sup>

141. Our public engagement survey found widespread support for preferring brownfield sites over greenfield locations. Among the responses we were told:

Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.

Brown field should be exhausted until green belt building is even considered.

444 Sage Housing ([FPS0090](#))

445 Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), Locality ([FPS0086](#)), London Forum of Amenity & Civic Societies ([FPS0156](#))

446 Hever Parish Council ([FPS0007](#)), National Housing Federation ([FPS0158](#))

447 Pocket Living ([FPS0023](#)), Rentplus-UK Ltd ([FPS0047](#))

448 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

449 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, [HL Paper 330](#), para 329

450 MHCLG, [Land Use Change Statistics in England: 2017–18](#), May 2019, Table 1, p 4. These figures exclude conversation to residential, although the impact of doing so is minute.

142. There were similar calls to emphasise and use brownfield sites in our evidence.<sup>451</sup> This including possibly introducing compulsory brownfield targets,<sup>452</sup> or that undeveloped brownfield land could be taxed to encourage its development.<sup>453</sup> We were told that brownfield sites could often be the location for specialist retirement housing.<sup>454</sup> Debates over brownfield land often intertwined with discussions about the Green Belt. Those favouring a reconsideration of the Green Belt policy were often cautious about a brownfield-only approach.<sup>455</sup> However Newcastle City Council warned “Development of ... brownfield land can be complex with off- and on-site infrastructure needs, underground contamination and abnormals that could not be assessed and mitigated via a permission in principle [approach].”<sup>456</sup>

143. The Government has allocated additional funding to brownfield sites, with £400 million allocated in the 2020 Budget to councils and Mayoral Combined Authorities,<sup>457</sup> and a further £100 million for non-Mayoral Combined Authorities for 2021–22 at the 2020 Spending Review.<sup>458</sup>

144. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target.<sup>459</sup> *Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites.*

## Permitted Development Rights

145. We received extensive evidence about permitted developments rights (PDRs) where changes to buildings can take place without needing to apply for individual planning permission. PDRs cover a range of activities, including home extensions and the change of use of buildings. Although there was some support for the broader principle of speeding up development, particularly for utilities,<sup>460</sup> there was far more criticism. The unintended consequences of successive reforms showed a consistent lack of safeguards.<sup>461</sup> PDR

451 National Organisation of Residents Associations ([FPS0005](#)), NALC ([FPS0021](#)), St Albans Civic Society ([FPS0057](#)), CPRE the countryside charity ([FPS0077](#)), Royal Town Planning Institute ([FPS0113](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

452 NALC ([FPS0021](#))

453 Silverdale Parish Council ([FPS0100](#))

454 McCarthy & Stone ([FPS0061](#)), Lifestory Group ([FPS0116](#))

455 British Property Federation ([FPS0127](#)), [Q105](#) (Nigel Wilson)

456 Newcastle City Council ([FPS0159](#))

457 HM Treasury, *Budget 2020*, [HC 121](#), March 2020, pp 47, 80

458 HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, pp 35, 73

459 A point acknowledged by the Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, p 43

460 McCarthy & Stone ([FPS0061](#)), Water UK ([FPS0140](#)), Midland Heart ([FPS0152](#))

461 Bartlett School of Planning, University College London ([FPS0097](#))

was also seen to the weaken local authorities' ability to shape places;<sup>462</sup> and diminish community engagement in the planning process.<sup>463</sup> Concerns were raised about the poor quality of design and lack of amenities;<sup>464</sup> the perceived negative impact of PDR in urban,<sup>465</sup> and in rural areas;<sup>466</sup> the loss of business space through conversion of offices to housing;<sup>467</sup> the increase of potential fire risks;<sup>468</sup> and the negative impact on cultural and creative clusters.<sup>469</sup> There was alarm the extension of PDR would harm local listed heritage,<sup>470</sup> and undermine the protection of habitats and species.<sup>471</sup> Given these concerns and our long-standing interest in this subject, we have now began a separate inquiry which will make recommendations on this subject.

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- 462 Tenterden Town Council ([FPS0003](#)), Local Government Association ([FPS0056](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Highgate Society ([FPS0155](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))
- 463 Tenterden Town Council ([FPS0003](#)), Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), City of London Corporation ([FPS0148](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 464 Institute of Historic Building Conservation ([FPS0044](#)), Bristol City Council ([FPS0119](#)), City of London Corporation ([FPS0148](#))
- 465 Newcastle City Council ([FPS0159](#))
- 466 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 467 Tenterden Town Council ([FPS0003](#))
- 468 National Fire Chiefs Council ([FPS0040](#))
- 469 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 470 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Royal Town Planning Institute ([FPS0113](#))
- 471 Wildlife & Countryside Link ([FPS0075](#))

## 7 Omissions

### Introduction

146. The planning system deals with more than housing. A strong perception in our evidence was that the Government's proposals unduly concentrate on housing at the expense of other elements of planning. Several submissions listed a series of omissions from the White Paper.<sup>472</sup> A first strand of omissions related to economic activities being ignored. These included mineral provision,<sup>473</sup> commercial property,<sup>474</sup> agriculture,<sup>475</sup> local shopping areas,<sup>476</sup> London, economic activities, the environment,<sup>477</sup> and how the planning reforms are linked to bolstering employment.<sup>478</sup> The British Property Federation simply stated "two words absent from the White Paper are 'commercial property'".<sup>479</sup> A second strand of omissions related to housing—such as specialist housing for the disabled and the elderly (including how to cope with an ageing population),<sup>480</sup> the role of credit and the impact of the financialisation of housing,<sup>481</sup> and provision for gypsy and traveller communities.<sup>482</sup> A third strand included worries about the omission of transport-related subjects, especially how sustainable transport would be encouraged.<sup>483</sup> A fourth strand related to the lack of discussion of other subjects connected to the planning system, such as energy networks,<sup>484</sup> and the perceived lack of detail around climate change,<sup>485</sup> Green Belt,<sup>486</sup> neighbourhood plans,<sup>487</sup> and the protections for historic, environmental and architectural buildings,<sup>488</sup> and leisure facilities for play and sport.<sup>489</sup>

### The Minister's response

147. We asked the Minister about these omissions. He stated that the three zones approach "is also designed to make sure that local communities can say what commercial sorts of developments they want in those places to support their local communities." He pointed

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- 472 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Peel L&P ([FPS0094](#)), City of London Corporation ([FPS0148](#))
- 473 Mineral Products Association ([FPS0050](#)), Rutland County Council ([FPS0071](#))
- 474 Accessible Retail ([FPS0053](#)), Ark Data Centres ([FPS0063](#))
- 475 Rutland County Council ([FPS0071](#))
- 476 Robert Rush ([FPS0163](#))
- 477 [Q96](#) (Claire Dutch)
- 478 Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 479 British Property Federation ([FPS0127](#))
- 480 Centre for Ageing Better ([FPS0055](#)), Rutland County Council ([FPS0071](#))
- 481 Bartlett School of Planning, University College London ([FPS0097](#))
- 482 London Gypsies and Travellers ([FPS0067](#)), Rutland County Council ([FPS0071](#))
- 483 Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), POETS (Planning Oxfordshire's Environment and Transport Sustainably) ([FPS0108](#)), Cycling UK ([FPS0123](#))
- 484 National Grid ([FPS0088](#))
- 485 Local Government Association ([FPS0056](#)), Rutland County Council ([FPS0071](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))
- 486 Paul G. Tucker QC ([FPS0153](#))
- 487 Paul G. Tucker QC ([FPS0153](#))
- 488 [Q100](#) (Claire Dutch), The Heritage Alliance ([FPS0066](#)), District Councils' Network ([FPS0082](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))
- 489 Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#))



to the permitted development rights announcement and funding through the Town Funds and High Streets Fund to show support for commercial spaces. Regarding other omissions he stated that:

I cannot commit to what is going to be in the legislation until we have seen what comes back in the consultation ... You have seen the key themes and foci that we have, but that does not mean to say that we will not include other things or refine things as we move through the consultation and toward legislation.<sup>490</sup>

**148. We agree that the Government’s proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:***

- *The ‘levelling up’ agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament*

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490 [Qq133–134](#) (The Minister)



## 8 Land capture and the funding of infrastructure

### Background

149. There have been three attempts in the post-war era to capture the increases in land value that result from planning permission and housing development.<sup>491</sup> Subsequently, a Mandatory Tariff was proposed but not implemented in 2001, and an optional planning charge was only partially implemented as an alternative to Section 106 agreements. The Barker Review of 2004 recommended a planning-gain supplement when planning permission was granted.<sup>492</sup> Criticism of it, including from one of our predecessor committees,<sup>493</sup> meant it was abandoned in 2006. Instead, in 2010, the Community Infrastructure Levy (CIL) was introduced.

150. The CIL is a locally determined, fixed-rate development charge, and is optional. The CIL charge is levied in terms of £ per square metre, and subject to two rounds of statutory public consultation and review by an Independent Examiner. Different areas of a planning authority and types of development can have different charging rates. Local authorities must publish a charging schedule and a list of priorities for expenditure.<sup>494</sup> The CIL operates alongside Section 106 agreements. These agreements are legally enforceable contracts between the developer and the LPA to ensure the delivery of new infrastructure, including highways, public transport, education, community and cultural facilities, environmental mitigation and affordable housing. The main difference between the two is that the Section 106 agreements raises revenue for infrastructure mainly associated with a particular planning decision and its acceptability, whereas the CIL is intended to fund development across a wider area.

151. In 2017 a Government-commissioned review into the CIL was published.<sup>495</sup> It found that the CIL was not raising as much money as central government and local authorities had expected, that developers preferred Section 106 over the CIL for large mixed-used sites, and the CIL receipts did not enable all necessary infrastructure to be delivered. They recommended introducing “a broad and low-level Local Infrastructure Tariff (LIT) and Section 106 for larger developments.” The LIT would be based on a national formula, based on local market value set at a rate of £ per square metre, with few or no exemptions. Where the cost of collection would be too high for local authorities, the levy would be charged on gross development. Small developments of 10 units or less should only pay LIT. However, in 2018, when the Government held a consultation on reforms to the CIL they did not

491 In 1947 a 100% development charge was set on value accruing because of the granting of planning permission. It was repealed in 1954. In 1967 a ‘betterment levy’ of 40% was introduced. That levy was repealed in 1970. A third effort took place in the 1970s. A Development Gains Tax was introduced in 1973, followed by a Development Land Tax introduced in 1976 and levied at 66.6% to 80% of development value. This tax was abolished in 1985.

492 Kate Barker, [Review of Housing Supply: Delivering Stability – Securing our Future Housing Needs, Final Report](#), (2004), p 87, recommendation 26

493 Communities and Local Government Committee, Fifth Report of the 2005–06 Session, [Planning Gain Supplement](#), HC 1024-I

494 MCHLG, [Community Infrastructure Levy](#), November 2020

495 MHCLG, [A New Approach to Developer Contributions: A report by the CIL Review Team](#), February 2017

recommend introducing a LIT.<sup>496</sup> The Government did express support for the Mayoral Community Infrastructure Levies that apply in London and other mayoral Combined Authorities. Nevertheless, several submissions to our inquiry showed continuing support for the 2017 recommendations.<sup>497</sup>

152. In 2018 our predecessor committee published a report on land value capture. Among its main recommendations were urging further consideration of the 2017 review's Local Infrastructure Tariff, and that in the meantime the Government should reform the CIL to reduce exemptions and its complexity. It also argued that more uplift in land value could be captured. For instance, it urged reform of the Land Compensation Act 1961, moving away from the 'hope value' currently received by landowners from local authorities when land is compulsorily purchased. This value includes that which would result from speculative future planning permission. Instead the valuation should reflect the costs of providing affordable housing, infrastructure, services, and the profit the landowner would have made. Such changes could make a new generation of New Towns feasible. The Compulsory Purchase Order regime should be simplified, and decisions made locally. The report supported retaining Section 106 and improving the resources for local authorities to negotiate with developers. Section 106 should also not be undermined by the otherwise commendable idea of a Strategic Infrastructure Tariff, which could be extended across the country and fund major infrastructure projects.<sup>498</sup> In 2019 a House of Lords Committee also recommended the Government establish a six-month inquiry into land value capture.<sup>499</sup>

153. We reiterated our commitment to reform of the Land Compensation Act 1961 in our recent report on social housing.<sup>500</sup> Our terms of reference for this inquiry asked what progress had been made following the 2018 report. The main change noted in evidence was the increased transparency of viability assessments. Furthermore, the basis for judging the viability of schemes has shifted to 'existing use value' with a premium that considers Section 106 and CIL contributions.<sup>501</sup> Otherwise progress had been limited.<sup>502</sup> Reforms are still needed to the Land Compensation Act 1961.<sup>503</sup> The National Housing Federation argued the White Paper had gone much further, through proposing the abolition rather than reform of Section 106 and the CIL.<sup>504</sup>

496 MHCLG, [Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing and infrastructure](#), March 2018; MHCLG, [Government response to supporting housing delivery through developer contributions](#), October 2018

497 [Q 2](#) (Philip Barnes), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#))

498 Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 766

499 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, , [HL Paper 330](#), para 361

500 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 36

501 TCPA ([FPS0034](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Peel L&P ([FPS0094](#))

502 TCPA ([FPS0034](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), District Councils' Network ([FPS0082](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Royal Town Planning Institute ([FPS0113](#)), Land Promoters and Developers Federation ([FPS0138](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#))

503 NALC ([FPS0021](#)), Greater London Authority ([FPS0149](#)), Homes for the South West ([FPS0070](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), PricedOut ([FPS0129](#)), Shelter ([FPS0154](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

504 National Housing Federation ([FPS0158](#))

154. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee's report into land value capture. The Government's response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. We call upon the Government to act upon the whole range of recommendations in our predecessor committee's *Land Value Capture* report.

## The Community Infrastructure Levy (CIL)

155. MHCLG sponsored research that was published in August 2020 showed that developers contributions in England in the financial year of 2018–19 paid through CILs and Section 106 agreements were valued at £7 billion (a real terms increase of 9% from 2016–17). The contributions were made up of 67% going into affordable housing, 18% from other parts of Section 106 contributions, 12% from the CIL and 3% from the Mayoral CIL. 90% of local authorities attached planning conditions using Section 106. The majority of developer contributions agreed were in London and the South East, although London's share of the overall total had fallen from 38% in 2016–17 to 28% in 2018–19. By the end of 2019 48% of LPAs had adopted CILs compared to 39% in 2016–17.<sup>505</sup>

156. The Government White Paper proposed to replace Section 106 and the CIL with a new National Infrastructure Levy. This would be “a nationally-set value based flat rate charge.” Either a single or varied rate could be set by central government. It would be charged on the final value of a development and at the point of occupation. There would be a minimum threshold below which it would not be charged. Councils would be able to borrow against Infrastructure Levy revenues to fund infrastructure. Residences created through permitted development rights would be subject to the levy. The Infrastructure Levy could cover the provision of affordable housing, with in-kind delivery built on-site being discounted from the Levy charge. Local authorities would have greater flexibility over using levy funds and could demand cash contributions if no affordable housing provider was prepared to purchase the homes because they were poor quality. The Government argued that this approach would raise more revenue than under the current system, deliver as much or more affordable housing and remove the need for months of negotiations of Section 106 agreements. They also proposed retaining the Mayoral Community Infrastructure Levies, which apply in London and the mayoral combined authorities, “as part of the Infrastructure Levy to support the funding of strategic infrastructure”.<sup>506</sup>

157. The CIL came in for rigorous criticism, being described as “both complicating and challenging”.<sup>507</sup> The CIL “does not work in low growth areas”,<sup>508</sup> and “[t]he levy has been subject to many changes, has not always been spent on infrastructure critical to development and does not work well for large and complex sites.”<sup>509</sup> The Federation of Master Builders' survey in 2020 found 55% of their respondents thought the CIL and Section 106 rendered sites unviable, and thought “that CIL is arbitrary and unpredictable between different

505 MHCLG, [The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018–19](#), August 2020, pp 8–10

506 MHCLG, [White Paper: Planning for the Future](#), pp 47–53; [Q161](#) (The Minister)

507 Pocket Living ([FPS0023](#))

508 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

509 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallant ([FPS0131](#))

authorities”, resulting from “viability concerns” and “exemptions”.<sup>510</sup> However the City of London Corporation stated that the CIL and Section 106 were working well, providing valuable contributions, both financial and in training and skills, and thus “Wholesale replacement with a new system would be a retrograde step.”<sup>511</sup> There was support for the mayoral CIL. The GLA told us that over £743 million had been collected in 2019–20, to help towards delivering Crossrail.<sup>512</sup>

## Section 106

158. Opinions about Section 106 were more positive than those of the CIL. The National Housing Federation drew this distinction, arguing that “In contrast to CIL and previous levies—and as the committee has recognised—Section 106 has been relatively successful and has scope to be improved.”<sup>513</sup> Their representative expressed a wish to preserve Section 106.<sup>514</sup> Section 106 was also praised for helping deliver affordable housing.<sup>515</sup> Particular stress was placed on how Section 106 imposes legally enforceable obligations on developers, facilitating affordable housing and sustainable transport. It was noted that the contracts existing under Section 106 agreements were not envisaged under the new levy.<sup>516</sup> Different infrastructure related organisations highlighted the importance of Section 106 agreements.<sup>517</sup> This fed into worries about the ambiguity of how the new Levy would operate in relation to nuclear legacy sites or decommissioning.<sup>518</sup>

159. This was not a view shared by all. The Centre for Cities termed Section 106 “a deeply inefficient form of taxation, which delays development by inducing trench-warfare negotiations between developers and local authorities over planning obligations.”<sup>519</sup> The suspicion of secretive negotiations persisted despite the reforms to viability arrangements,<sup>520</sup> alongside unhappiness at having to renegotiate them when developers offered a new viability case.<sup>521</sup> The LGA acknowledged councils “often do not have sufficient skills and capacity to evaluate viability appraisals and so outsource them to independent consultants for advice. In contrast developers are well resourced.”<sup>522</sup> Local authorities were in turn criticised for providing a “shopping list of aspirations” to developers to meet through Section 106.<sup>523</sup> It was argued that both the CIL and Section 106 were also too narrowly focused, for instance with limited ability to fund different modes of transport.<sup>524</sup>

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510 The Federation of Master Builders (FMB) ([FPS0125](#))

511 City of London Corporation ([FPS0148](#))

512 Greater London Authority ([FPS0149](#))

513 National Housing Federation ([FPS0158](#))

514 [Q22](#) (Kate Henderson)

515 Shelter ([FPS0154](#)), National Housing Federation ([FPS0158](#))

516 Daventry District Council ([FPS0011](#)), Savills ([FPS0101](#)), Stonewater ([FPS0103](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

517 National Grid ([FPS0088](#))

518 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

519 Centre for Cities ([FPS0144](#))

520 Just Space ([FPS0115](#))

521 [Q48](#) (Andrew Longley)

522 Local Government Association ([FPS0056](#))

523 Paul G. Tucker QC ([FPS0153](#))

524 Urban Mobility Partnership ([FPS0122](#))

160. The Minister defended reforming Section 106—he stated approximately 80% of councils had told him that Section 106 agreements do not work effectively, and were seen as opaque, slow, and subject to renegotiations that alter the end outcomes.<sup>525</sup> Simon Gallagher did acknowledge that the non-financial functions of Section 106 agreements would need to be retained in a new system.<sup>526</sup>

161. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements.*

## Views of the Government's reforms

162. As with other aspects of the Government's reforms, significant parts of our evidence were devoted to lamenting the lack of details about aspects of the proposed infrastructure levy. Homes for the South West stated:

The current proposals for an Infrastructure Levy (IL) to replace the Community Infrastructure Levy (CIL) and Section 106 planning obligations provide very little detail regarding how delivery will take place; how levels will be set, what the makeup will be, or indeed how it will be secured, delivered, if needed, varied and monitored on a site by site basis.<sup>527</sup>

This was echoed by the Home Builders Federation,<sup>528</sup> and the British Property Federation who were concerned about whether the levy would apply to office developments and if viability assessments would persist.<sup>529</sup> The LGA stated “It is unclear in the White Paper, however, how any new Infrastructure Levy will work with Neighbourhood Plans.”<sup>530</sup>

163. Daventry District Council provided a mixed view. They noted that the levy would “remove ‘cliff edge’ situations” where “a slight difference in [the] scale of development results in markedly different levels of contribution.” However, they noted site boundaries could be used to game the system by excluding adjoining land. They worried about the loss of the non-financial aspects of Section 106 agreements (e.g. restrictions on land use), and the delivery of affordable housing.<sup>531</sup>

164. It was suggested that the white paper should have gone further—for example taxing increases in land value,<sup>532</sup> partially removing capital gains tax relief from principle private residences,<sup>533</sup> and restricting the ability of developers to “claim later that the site is no longer financial viable”.<sup>534</sup> Local authority organisations also urged the strengthening of compulsory purchase orders (CPOs) to enable them to “bring forwards stalled sites.”<sup>535</sup> The CPRE urged that “Local councils should have first refusal on buying development land”, alongside confiscating planning permissions where build-out was too slow.<sup>536</sup>

525 [Q126](#) (The Minister)

526 [Q126](#) (Simon Gallagher)

527 Homes for the South West ([FPS0070](#))

528 Home Builders Federation ([FPS0073](#))

529 British Property Federation ([FPS0127](#))

530 Local Government Association ([FPS0056](#))

531 Daventry District Council ([FPS0011](#))

532 Rother Association of Local Councils (RALC) ([FPS0012](#)), North Southampton Community Forum ([FPS0018](#))

533 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

534 Rother Association of Local Councils (RALC) ([FPS0012](#))

535 District Councils' Network ([FPS0082](#)). See also Local Government Association ([FPS0056](#))

536 CPRE - The Countryside Charity ([FPS0165](#))



## How much revenue would it bring in?

165. In considering the Government's reforms, we examined how much money the shift to the Infrastructure Levy was likely to raise. We were given figures ranging from 25–30% of developmental value to 50–60% of land value for how much land value capture already takes place.<sup>537</sup> The District Council Network argued that “Currently CIL and S106 are fairly limited in their effectiveness of capturing land value uplift.”<sup>538</sup> Shelter cited the Centre for Progressive Policy's estimate that reforming the Land Compensation Act 1961 could raise £214 billion over 20 years.<sup>539</sup>

166. We were told by the RTPI that because of the challenges of setting a single levy for the whole country it was difficult to judge how much revenue would be raised.<sup>540</sup> Hackney Council expressed a hope that there would be an increase in the amount captured, arguing for “a genuinely meaningful contribution to the costs incurred.”<sup>541</sup> This echoed other calls for additional revenues to be raised through the reforms.<sup>542</sup> The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) thought that CIL rates were often too low and brought in less than Section 106 contributions—and feared the same would happen with the national infrastructure levy.<sup>543</sup> Detailed assessment by academics submitted to us suggested the Infrastructure Levy would not raise much more than the current Section 106 and CIL contributions. The amount of revenue raised would depend on the rate of the levy, the threshold above which it is charged, and how much prioritisation is given to affordable housing compared to other infrastructure. There would be some additional funding resulting from the levy being applied more widely to non-residential developments.<sup>544</sup>

167. The Minister argued there would be more revenue due to the assessment of “land value on its final developable value” rather than assessing the value prior to construction.<sup>545</sup>

## Local versus national rates

168. There was opposition to the idea of a single national rate for the new levy. This was mainly due to the differences in land values across the country.<sup>546</sup> Furthermore, we were warned that charging a single rate would risk disproportionately impacting areas with lower land values but higher infrastructure costs - notably in northern towns and cities.<sup>547</sup> A 20% national levy rate would be both too high for low land value areas whilst not capturing much from higher value areas.<sup>548</sup> The British Property Federation argued “[t]he more any levy can be tailored to individual circumstances the more it is likely to raise.”<sup>549</sup>

537 CLA ([FPS0049](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#))

538 District Councils' Network ([FPS0082](#))

539 Shelter ([FPS0154](#))

540 [Q76](#) (Richard Blyth)

541 London Borough of Hackney ([FPS0091](#))

542 Local Government Association ([FPS0056](#)), Anchor Hanover ([FPS0074](#))

543 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

544 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

545 [Q126](#), [Q161](#) (The Minister)

546 Pocket Living ([FPS0023](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), [Q46](#) (Lisa Fairmaner), [Q76](#) (Richard Blyth), [Q78](#) (Paula Hewitt)

547 Homes for the South West ([FPS0070](#))

548 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

549 British Property Federation ([FPS0127](#))



In contrast, the Federation of Master Builders applauded a single rate calculated “in a clear and transparent way” and “in a consistent way across the country”.<sup>550</sup> The Minister stated that there had been no final decision over whether to have a national rate, or several localised ones.<sup>551</sup>

## Redistribution

169. The White Paper stated that “Revenues would continue to be collected and spent locally.”<sup>552</sup> This approach was supported by St Albans Civic Society who saw local spending as necessary to ensure public trust.<sup>553</sup> Local authority representatives and the RTPI also wanted funds raised locally to be spent locally, although it was acknowledged it would be insufficient to cover “strategic infrastructure”.<sup>554</sup> There was also a call for a stronger role for neighbourhood forums in deciding on local priorities for spending the levy revenue.<sup>555</sup>

170. In contrast the TCPA told us:

There is recognition but no discussion in the White Paper of the single biggest flaw of the current approach relating to capturing development values, which is its tendency to yield more for high demand communities providing no mechanism for redistribution for those places requiring regeneration.<sup>556</sup>

The Canal and River Trust also supported the need for redistribution.<sup>557</sup> We were also told that the lack of redistribution would worsen existing regional inequalities.<sup>558</sup> The RICS noted that the lack of land value capture “does not mean the funding is not needed for the infrastructure”.<sup>559</sup> We were also told that the debate over land value capture reflected “London-centric assumptions on land economies” and that many parts of the country, including in south-east England, had “viability challenges.”<sup>560</sup>

171. The Minister explained a decision needed to be made about a national or a localised levy (with different rates in various parts of the country) before considering the questions around redistribution: “We will have to see where it lands and then what we need to do to make sure that we do not see areas disadvantaged.”<sup>561</sup>

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550 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q2](#) (Brian Berry)

551 [Q126](#), [Q161](#) (The Minister)

552 MHCLG, [White Paper: Planning for the Future](#), p 49

553 St Albans Civic Society ([FPS0057](#))

554 [Q47](#) (Lisa Fairman), [Q51](#) (Andrew Longley), [Qq80–81](#) (Richard Blyth)

555 Neighbourhood Planners London ([FPS0032](#))

556 TCPA ([FPS0034](#))

557 Canal & River Trust ([FPS0048](#))

558 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#)), [Q20](#) (Kate Henderson), [Q77](#) (Paula Hewitt), [Q78](#) (Philip Waddy)

559 [Q77](#) (Tony Mulhall)

560 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

561 [Q163](#) (The Minister)

## At what point should the levy be charged?

172. The Government has proposed charging the levy at the point of the occupation of a property, and letting local authorities borrow against the expected levy revenue to finance infrastructure in advance. It was noted that this put the risk onto local authorities, who might have to borrow at relatively high rates “because of uncertainties about value and timing of such income.”<sup>562</sup> There were also complaints there would be gaming of the system.<sup>563</sup> There were calls for clarity on whether residual land value or gross development value would be used.<sup>564</sup> We were warned it could discourage brownfield sites being brought forward.<sup>565</sup> The change would also increase the uncertainty surrounding the delivery of infrastructure linked to developments, which in turn would reduce the amount of infrastructure available.<sup>566</sup> The British Property Federation also told us that while paying at the end “has cashflow attractions but would raise considerable challenges around trigger points and valuations” and their members had fears over the delivery of infrastructure on time.<sup>567</sup>

173. Developers did express support for the change.<sup>568</sup> We were told that moving to the occupation point would help small developers,<sup>569</sup> “obviate some of the issues around viability”,<sup>570</sup> and would be more efficient through being applied to every development.<sup>571</sup> When asked about the possible burden on councils, the Minister said:

We want to design a system that protected local authorities but does not discourage developers, particularly smaller developers, from developing because the levy cost might be a barrier for entry to them.<sup>572</sup>

## Affordable housing

174. There was some scepticism about funding affordable housing through the levy, either through payments or through in-kind delivery.<sup>573</sup> It was noted that the levy would be less

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562 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)). See also England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

563 Daventry District Council ([FPS0011](#)), Mr Richard Gilyead ([FPS0022](#)), London Borough of Hackney ([FPS0091](#))

564 Ark Data Centres ([FPS0063](#))

565 Homes for the South West ([FPS0070](#))

566 UK Women’s Budget Group ([FPS0025](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Institution of Civil Engineers ([FPS0035](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), [Q46](#) (Lisa Fairman)

567 British Property Federation ([FPS0127](#))

568 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q23](#) (Philip Barnes and Brian Berry)

569 Pocket Living ([FPS0023](#))

570 District Councils’ Network ([FPS0082](#))

571 Centre for Cities ([FPS0144](#))

572 [Q162](#) (The Minister)

573 Rother Association of Local Councils (RALC) ([FPS0012](#))

prescriptive than Section 106 in its requirements for affordable housing.<sup>574</sup> These concerns fed into fears the new levy could result in less affordable housing.<sup>575</sup> The GLA also singled out the infeasibility of handing affordable housing back to developers “if the subsidy from the affordable housing is greater than the amount of Levy to be paid.”<sup>576</sup> The National Housing Federation, the main trade body for housing associations, stated:

We are also unclear on what the promised “as much, or more” affordable housing under the new system refers to. Is it the equivalent to the current system, which delivered 28,000 affordable homes through Section 106 in 2018/19—or the number in existing affordable tenures anticipated after proposed changes to introduce First Homes and raising the Section 106 threshold? The latter would mean a major reduction in the supply of current affordable tenures.<sup>577</sup>

It was also argued that including affordable housing in the levy would require proper appreciation of the costs of different types of affordable housing, whose values often fluctuates over time, resulting in greater complexity and risk for developers.<sup>578</sup> The District Councils Network argued the risks of payment in kind for affordable housing was twofold. It could either leave insufficient revenue for other infrastructure,<sup>579</sup> or spending on infrastructure would mean less affordable housing is delivered. They preferred on site delivery as being more cost effective.<sup>580</sup> Conversely, the City of London Corporation welcomed the ability of affordable housing to be delivered off-site.<sup>581</sup> One way of breaking the potential conflict came from the RTPi, who suggested that the Government increase grant funding. This could build 145,000 social homes a year (90,000 at social rent), with reduced reliance on developer contributions.<sup>582</sup>

## Small sites and rural areas

175. At present, affordable housing contributions should not be sought for developments of fewer than 10 housing units, except in designated rural areas where the threshold is five units or fewer.<sup>583</sup> The Government consultation proposed temporarily raising the threshold for sites exempt from providing affordable housing to 40 or 50 dwellings.<sup>584</sup> Supporters of this move emphasised it was necessary to “increase capacity in the housing market”, through promoting “micro-housebuilders”.<sup>585</sup> However there were also concerns. We were told that the rural exemption from the higher threshold would only apply to 30% of parishes with populations of 3,000 or fewer.<sup>586</sup> There were also fears there would be a loss of affordable housing generally, and particularly in rural areas.<sup>587</sup> This lack of affordable housing would also leave smaller builders more vulnerable to a market downturn.<sup>588</sup>

574 Midland Heart ([FPS0152](#))

575 Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Just Space ([FPS0115](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

576 Greater London Authority ([FPS0149](#))

577 National Housing Federation ([FPS0158](#))

578 Pocket Living ([FPS0023](#))

579 District Councils Network. See also Locality ([FPS0086](#))

580 District Councils Network ([FPS0082](#))

581 City of London Corporation ([FPS0148](#))

582 Royal Town Planning Institute ([FPS0113](#))

583 MHCLG, [Changes to the current planning system](#), p 26

584 MHCLG, [Changes to the current planning system](#), pp 26–7

585 [Q21](#) (Brian Berry)

586 Action with Communities in Rural England (ACRE) ([FPS0161](#))

587 [Q19](#) (Kate Henderson)

588 National Housing Federation ([FPS0158](#))

176. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings.<sup>589</sup> *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.*

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589 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

## 9 Resources and skills

177. Two themes emerged in our evidence regarding the resourcing of the planning system. First, that LPA do not have enough resources. Second, that the Government's proposed reforms would increase the needs for particular skills that in turn would need further funding. Nobody argued that the current level funding for LPAs was adequate.

### Need for additional resources

178. The National Audit Office has calculated that, even allowing for increases in revenue from planning fees, spending on planning had fallen by 14.6% from £1.125 billion in 2010–11 to £961 million in 2017–18.<sup>590</sup> As planning fees do not cover the cost of applications, taxpayers are contributing nearly £180 million a year.<sup>591</sup> This reduction in funding contributed towards a 15% reduction in planning staff between 2006 and 2016. There was also a fall of 13% in planning inspectors between 2010 and 2018. In response to these reductions the Government has funded a bursary scheme and supported an RTPI initiative bid to establish a degree-level planning apprenticeship.<sup>592</sup> There has been a particular loss of specialist staff. Between 2006 and 2018 there was a fall of 35% in conservation officers, and a 34% reduction in archaeologists. Only 26% of English local authorities now have in-house ecological expertise. This was alongside reduced funding for statutory consultees, such as Natural England and Historic England.<sup>593</sup> Other changes, such as the then Government's policy of removing design considerations from planning in the 1980s, were also blamed for a decline in those specialist skills.<sup>594</sup>

179. The lack of resources, coupled with a lack of expertise, were seen to have added to delays in the planning process.<sup>595</sup> Brian Berry highlighted that speeding up the planning process, a key objective of the Government's reforms, depended on resources: "One of the things that worries me is resources. None of this is possible unless there are adequate resources to carry this out."<sup>596</sup> Kate Henderson emphasised reforming the system "will require a huge amount of resource up front."<sup>597</sup> The need for funding to undertake a transformation in the planning system was reiterated by local authority representatives,<sup>598</sup> alongside the greater resources needed to enhance the digital aspects of the planning system.<sup>599</sup> Additional costs may also result from the transitional period where there would have to be two planning systems simultaneously.<sup>600</sup>

180. We wanted to know how much additional funding was needed to meet the increased demands. The RTPI stated it had proposed £500 million to the comprehensive spending

590 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, p 39

591 Local Government Association ([FPS0056](#))

592 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, pp 11, 42–4

593 National Trust ([FPS0157](#))

594 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

595 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Peel L&P ([FPS0094](#))

596 [Q2](#) (Brian Berry)

597 [Q6](#) (Kate Henderson). See also [Q54](#) (Lisa Fairmaner and Andrew Longley)

598 [Q53](#) (Andrew Longley)

599 Local Government Association ([FPS0056](#)), Southwark Council ([FPS0110](#))

600 [Q75](#) (Richard Blyth)

review.<sup>601</sup> This would be divided amongst various sub-funds “which would be related to specific outcomes such as increasing community engagement, digital planning and place making.” This related to a fear the planning system was too dependent on planning fees for revenue.<sup>602</sup>

181. When this figure was put to the Minister he replied: “I am very conscious of the need for the right level of resources in local authorities and the time of those resources to do the job that they need to do.” He pointed to the £12 million provided at the 2020 Comprehensive Spending Review “to take forward the government’s radical planning reform agenda” as a beginning.<sup>603</sup> He stated the Government was “committed to a review of resources and skills”, which will look at options for the new planning structure. He also argued a benefit of the Government’s reforms is that planning officials will have more time to focus on strategic planning rather than processing administrative paperwork.<sup>604</sup>

## The need for skills

182. In its consultation the Government stated it would “develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.” It especially singled out digital skills.<sup>605</sup> We were warned that a negative consequence of the proposed reforms could be that “through more automation and coding,” planning work would be reduced “to routine and administrative tasks, ignoring the role of skilled professionals in negotiating improved outcomes amongst multiple stakeholders.”<sup>606</sup> Instead there was a need to improve the reputation of working in planning.<sup>607</sup>

183. The National Trust stressed that there would be various new demands introduced by the Government’s reforms:

In future planning authorities will be required to put greater effort into defining ‘areas’ and their requirements in their allocation of land (plan making); into complex cases and enforcement. Increased capability around design coding, master planning, managing spatial data and digital skills and community engagement expertise will also be needed to support the new local plan system.<sup>608</sup>

An array of different skills was identified as being needed to implement the Government’s reforms. Foremost amongst these was design.<sup>609</sup> The Government has proposed all local

601 Royal Town Planning Institute, [Summary of Royal Town Planning Institute submission to the Comprehensive Spending Review \(CSR\)](#), September 2020

602 [Q83](#) (Richard Blyth)

603 [Qq170–171](#) (The Minister); HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, p 74

604 [Qq170–171](#) (The Minister)

605 MHCLG, [White Paper: Planning for the Future](#), p 57

606 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

607 Savills ([FPS0101](#))

608 National Trust ([FPS0157](#))

609 Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), City of London Corporation ([FPS0148](#)), National Trust ([FPS0157](#)), [Q6](#) (Kate Henderson), [Q53](#) (Andrew Longley)



authorities have a chief officer for design and place-making.<sup>610</sup> RTPI emphasised part of their proposed £500 million “would be a specific design element in order to get us over this initial investment that would be needed before you could arrive at some kind of steady state in which these codes would be operative and smoothly in place.”<sup>611</sup> Most LPAs lack “a suitable level of design skills”, with planners not being trained in design and LPAs having lost their architectural departments and skills in conservation. Thus, we were told LPAs would need additional resources “to undertake proper design governance, such as detailed design briefs, site-specific guidelines or post-occupancy evaluation.”<sup>612</sup>

184. Other skills areas highlighted to us where there are shortages included conservation skills,<sup>613</sup> local ecology specialists,<sup>614</sup> those with experience with heritage buildings,<sup>615</sup> and planning for minerals.<sup>616</sup> Local authorities also needed to improve their expertise in meeting the needs of the elderly,<sup>617</sup> and improving water management.<sup>618</sup> The development of digital platforms would also require LPAs to have “the resources and skills necessary to achieve this.”<sup>619</sup> To ensure place-makers are available in every local authority, the RTPI proposed these should be chartered town planners.<sup>620</sup> The City of London Corporation expressed concern that the Government was not planning to provide additional resources for placemaking, whilst arguing LPAs “have limited resources to allocate to Local Plan-making”.<sup>621</sup> Similarly, the increased role of the Planning Inspectorate in evaluating Local Plans will “require sufficient resources to carry out this important role effectively.”<sup>622</sup> It was suggested that increased training and upskilling would ensure “local authority personnel across different areas are able to apply policy and guidance”.<sup>623</sup>

**185. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government’s proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister’s assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now***

610 MHCLG, [White Paper: Planning for the Future](#), p 18

611 [Q75](#) (Richard Blyth)

612 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

613 Institute of Historic Building Conservation ([FPS0044](#)). See also CLA ([FPS0049](#)), London Borough of Hackney ([FPS0091](#))

614 Wildlife & Countryside Link ([FPS0075](#))

615 Institute of Historic Building Conservation ([FPS0044](#))

616 Mineral Products Association ([FPS0050](#))

617 Centre for Ageing Better ([FPS0055](#))

618 National Flood Forum [FPS126]

619 CPRE the countryside charity ([FPS0077](#))

620 Royal Town Planning Institute ([FPS0113](#))

621 City of London Corporation ([FPS0148](#))

622 British Property Federation ([FPS0127](#))

623 Woodland Trust ([FPS0045](#)). See also Locality ([FPS0086](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

*seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.*

186. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primary legislation, to clearly explain how the various skill needs of the planning system will be met.*

## 10 Design and beauty

### Government proposals

187. The first pillar of the Government's White Paper was the reforms to Local Plans. The second pillar of the reforms focused on design. The key proposals were:

- To introduce through policy and legislation a fast-track for beauty aimed at promoting “high quality development which reflects local character and preferences.” This would be achieved through updating the NPPF, permitting permission in principle where a proposal has a masterplan and site-specific code agreed, and through reform of permitted development rights.
- LPAs and neighbourhood plans would produce design guides and codes that would “provide certainty and reflect local character and preferences about the form and appearance of development.”
- Local authorities would be encouraged to use pattern books.
- A New Expert Design Board would be established.
- Each local planning authority would have a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- The creation of locally created design guidance and codes. Where they are not in place “the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.”<sup>624</sup>

188. The Secretary of State, in his forward to *Planning for the Future*, wrote “Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville.”<sup>625</sup> The Government's proposals followed hot on the heels of the Building Better, Building Beautiful Commission whose final report was published in January 2020.<sup>626</sup> The Institute of Historic Building Conservation welcomed this new focus: “There has not been enough focus on design throughout the planning process and we welcome the move towards a more design-led approach.”<sup>627</sup>

189. In January 2021 the Government announced further measures on design, including launching a consultation on changes to the NPPF, and asked about its newly published National Model Design Code.<sup>628</sup> Its objective was described as taking forward “our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework.” The Government wanted local councils to create their own local design codes which would “provide a local framework for creating beautiful and

624 MHCLG, [White Paper: Planning for the Future](#), pp 38–43

625 MHCLG, [White Paper: Planning for the Future](#), p 8

626 Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020

627 Institute of Historic Building Conservation ([FPS0044](#))

628 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021; “All new developments must meet local standards of beauty, quality and design under new rules”, MHCLG Press Release, 30 January 2021; MHCLG, [National Model Design Code](#), January 2021

distinctive places with a consistent and high-quality standard of design.” The required design details would be tailored to the specific place. An Office for Place would be established to support the creation of local designs. It also wanted “greater emphasis on beauty and place-making,” in the NPPF, including ensuring “that all new streets are lined with trees.” This would help ensure “poor quality” proposals were rejected. In contrast good designs would be encouraged, and were defined as either a “development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents”, or be “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area,” whilst being otherwise compatible with their surroundings.

## Current situation

190. The Government’s wish for reform reflects wider concerns about the standard of design in recent buildings. There have been successful examples of design, such as the 2019 Stirling Prize winning development of council housing in Norwich.<sup>629</sup> But the broad consensus was that design had been undervalued. We were told surveys and research had showed declining design standards,<sup>630</sup> and low levels of satisfaction with the houses that people moved into.<sup>631</sup> Local buildings were denounced as “boring and unimaginative.”<sup>632</sup> Place Alliance drew our attention to their *A Housing Design Audit for England*, which found that 54% of new schemes were judged “mediocre”.<sup>633</sup> They argued the root cause of poor design resulted from the main stakeholders failing to prioritise “the delivery of well-designed coherent bits of city that maximise ‘place value’.” Whilst developers standard house types might be thought to be of “popular design ... they give rise to the sort of homes that the *Housing Design Audit* identified as sub-optimum in terms of overall character and sense of place”. This resulted in resistance to their construction by local councillors.<sup>634</sup> CPRE cited the same report to argue 75% of recent housing schemes (and 94% in rural areas) would not have been permitted under current design guidance.<sup>635</sup>

191. Different explanations were offered for this fall in standards, including the merger of Commission for Architecture and the Built Environment (CABE) with the Design Council,<sup>636</sup> builders being able to ignore local design codes,<sup>637</sup> the stronger negotiating position of housebuilders especially over design issues,<sup>638</sup> and the tendency of schemes refused on design grounds to be overturned on appeal resulting in LPAs becoming risk averse about rejecting proposals.<sup>639</sup> Accordingly, Richard Blyth on behalf of the RTPI told us 87% of their members “did not feel that the planning system has enough control over design at the moment.”<sup>640</sup> Blame was also laid upon high land prices,<sup>641</sup> permitted

629 The Smith Institute ([FPS0038](#))

630 Cllr John Crawford ([FPS0008](#))

631 [Q73](#) (Richard Blyth)

632 North Southampton Community Forum ([FPS0018](#))

633 Place Alliance, *A Housing Design Audit for England*, February 2020

634 Place Alliance ([FPS0054](#))

635 CPRE the countryside charity ([FPS0077](#))

636 Institute of Historic Building Conservation ([FPS0044](#))

637 Rother Association of Local Councils (RALC) ([FPS0012](#))

638 CLA ([FPS0049](#))

639 Greater London Authority ([FPS0149](#))

640 [Q73](#) (Richard Blyth)

641 The Chartered Institute of Building ([FPS0096](#))

development rights,<sup>642</sup> prioritisation of “quantitative measures rather than aesthetic quality”,<sup>643</sup> the 1980s policy change that removed design considerations from the planning system,<sup>644</sup> and that housebuilders imitated the housing built elsewhere in the country.<sup>645</sup>

192. There was disagreement over whether poor design was reducing support for housing developments. The District Council Network expressed doubts that a greater focus on design would remove objections to planning proposals, arguing infrastructure and pressures on public services tended to be of greater concern to local residents.<sup>646</sup> Contrastingly ADEPT argued local authorities did challenge proposals lacking local distinctiveness and reducing carbon.<sup>647</sup> Furthermore, the RICS mentioned their own research had found people were prepared to pay a premium for places where there good placemaking and master planning.<sup>648</sup>

## Beauty

193. The Government proposed to promote a “fast track for beauty”, following the recommendations of the Building Better, Building Beautiful Commission.<sup>649</sup> The Government would establish this fast track through updating the NPPF to give preference to schemes complying with local design guides and codes. It would require that in growth areas a masterplan and site-specific code would need to be agreed as a condition of permission in principle. Legislation would also enable “popular and replicable forms of development” to be accelerated through permitted development.<sup>650</sup> The most common phrase used in our evidence in response to the Government’s proposals for beauty was that “beauty is in the eye of the beholder.”<sup>651</sup> This reflected a wider perception that beauty is too subjective a criterion, and focusing on it overlooked other important aspects of design. The National Trust declared that “Good design is not just about design codes and aesthetics, it is about how a place works.”<sup>652</sup> The idea that beauty is subjective tied to doubts about a community-based approach to determining it. We were told “It is clearly not a legitimate purpose for the planning system to impose the personal stylistic preferences of the more vocal members of the community on the wider community.”<sup>653</sup>

642 LSE London ([FPS0139](#)). See also Newcastle City Council ([FPS0159](#))

643 St Albans Civic Society ([FPS0057](#)). See also The Chartered Institute of Building ([FPS0096](#))

644 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

645 National Organisation of Residents Associations ([FPS0005](#)), Tamworth Borough Council ([FPS0013](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

646 District Councils’ Network ([FPS0082](#))

647 [Q72](#) (Paula Hewitt)

648 [Q73](#) (Tony Mulhall)

649 Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 71–2

650 MHCLG, [White Paper: Planning for the Future](#), p 42

651 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), MCS Charitable Foundation ([FPS0102](#)), Land Promoters and Developers Federation ([FPS0138](#))

652 National Trust ([FPS0157](#))

653 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

194. Nonetheless we were surprised by the witness from the Royal Institute of British Architects (RIBA) telling us that “At the end of the day, ultimately, the aesthetic that comes out at the end is perhaps one of the least important aspects of the whole design process.”<sup>654</sup> We were more persuaded by the view of Richard Blyth from the RTPI:

I suspect that, if it is a building in your own street, an infill, a replacement, a small site in your area, what it looks like is very important to you because you might be looking at it outside your window all the time ... When it comes to major greenfield expansion, design is nothing like as important to existing residents because they do not tend to see so much of it. It is of importance to people who are going to move into those new settlements.<sup>655</sup>

195. There was also criticism of the ‘fast track’ for beauty. We were told that the current rules on design, focused on ‘appearance’ were too vague and unenforceable,<sup>656</sup> and that good design would require “site and scheme-specific participation”.<sup>657</sup> Instead, various submissions urged a broader approach to design. Actions with Communities in Rural England (ACRE) noted that the Government’s National Design Guide mentioned ten characteristics of good design “context, identity, built form, movement, nature, public space, Uses, homes and buildings, resources and lifespan”, and argued these should be incorporated in design codes.<sup>658</sup> A different emphasis was on the importance of function.<sup>659</sup> Historic England emphasised that beautiful buildings “cannot be considered in isolation; the planning system must create beautiful and sustainable *places*.”<sup>660</sup> They accentuated how historic environments could foster “good, modern design”. Environmental quality and climate change were also emphasised.<sup>661</sup> In terms of public engagement, the focus on appearance rather than design quality “patronises local communities by implying that they do not understand more fundamental design issues.”<sup>662</sup>

196. Concerns were also expressed that prescriptive measures—for example pattern books—would be a barrier to innovation.<sup>663</sup> It was argued that “areas may not be seen as beautiful in the traditional sense, but can still be fun, vibrant and exciting spaces that people want to spend time in.”<sup>664</sup> We were told that innovation in materials and methods was vital to tackling climate change and that design codes should accommodate that.<sup>665</sup> The need for design to tackle energy efficiency was also stressed.<sup>666</sup>

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654 [Q72](#) (Philip Waddy)

655 [Q73](#) (Richard Blyth)

656 Civic Voice ([FPS0076](#)), London Borough of Hackney ([FPS0091](#)), City of London Corporation ([FPS0148](#))

657 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

658 Action with Communities in Rural England (ACRE) ([FPS0161](#))

659 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Bartlett School of Planning, University College London ([FPS0097](#))

660 Historic England ([FPS0092](#))

661 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), City of London Corporation ([FPS0148](#)), [Q71](#) (Paula Hewitt), [Q73](#) (Richard Blyth)

662 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

663 Pocket Living ([FPS0023](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Southwark Council ([FPS0110](#)), PricedOut ([FPS0129](#))

664 Locality ([FPS0086](#))

665 [Q75](#) (Tony Mulhall)

666 CPRE the countryside charity ([FPS0077](#))



197. We put these concerns to the Minister. He argued that:

If you get a group of people together, they will give you their view of beauty and there are probably some key themes that come out of that consideration. Fundamentally, we are trying to achieve a system whereby local people's views of what looks good in their environment is properly taken into account.<sup>667</sup>

It was explained that the Government's reforms would permit proposals in renewal and protected areas to be brought forward that did not conform to the design requirements through the usual planning process.<sup>668</sup>

## Public involvement

198. A key part of the Government's proposals is to involve the public in the design aspects of the new Local Plans. We were informed that currently "neither developers nor local authorities were very interested in involving the community. Many of the participants downplayed the role of community engagement in shaping design outcomes."<sup>669</sup> Some welcomed this greater involvement by the community.<sup>670</sup> We were also urged to consider a possible role for neighbourhood plans in setting local standards, drawing on their existing practices in setting detailed design policies.<sup>671</sup> However, doubts about public involvement were also expressed. There were fears locally popular design codes would become a popularity contest rather than focus on high quality in design;<sup>672</sup> and that elected members would favour "a more traditional pastiche approach ... which could become a barrier to great design that stands the test of time." Instead it was argued that Design Review Panels, with technical specialists, should have a greater role and influence.<sup>673</sup>

199. It was also argued that community support for a wider design code did not mean consent for a development on a specific site. The National Housing Federation argued that "the most effective codes appear to be site-specific", citing the *Housing Design Audit* that found they were five-times more likely to produce good or very good design outcomes.<sup>674</sup> The loss of participation with specific sites was cited as reducing "the ability of people to influence detailed design matters. Design codes will not pre-empt all circumstances. The focus of design proposals on beauty, rather than design fundamentals, increases this problem."<sup>675</sup>

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667 [Q164](#) (The Minister)

668 [Qq165–167](#) (The Minister and Simon Gallagher)

669 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

670 CPRE the countryside charity ([FPS0077](#)), CifA CBA & ALGAO UK ([FPS0080](#)), Sustrans ([FPS0151](#))

671 Mr Richard Gilyead ([FPS0022](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Locality ([FPS0086](#)), Sustrans ([FPS0151](#))

672 Institute of Historic Building Conservation ([FPS0044](#))

673 Lifestory Group ([FPS0116](#))

674 National Housing Federation ([FPS0158](#))

675 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

## A National Design Body

200. The Government's proposal for establishing a national design body was broadly welcomed.<sup>676</sup> We were told past successes had been achieved through the work of the former Commission for Architecture and the Built Environment (CABE) and by current Design Panels.<sup>677</sup> We were advised that it should not be situated in Homes England and it should not only focus on aesthetics and beauty.<sup>678</sup> Instead it should "positively promote innovative and creative design".<sup>679</sup>

## National and Local Design Guides and Codes

201. The National Design Guide was published on 1 October 2019,<sup>680</sup> and praised for showing how well-designed places can be achieved.<sup>681</sup> It is also seen as primarily focused on residential developments.<sup>682</sup> The National Design Code was published in January 2021, after most of our evidence was received.<sup>683</sup> Opinions about the principle of national and local design codes were divided. Advocates of design codes argued that they would provide better design control over officers' discretionary judgement.<sup>684</sup> Those who thought they had been neglected supported greater weight being given to them.<sup>685</sup> We were told that design codes should also apply to non-residential developments.<sup>686</sup> How the national and local codes should interact was touched on by the City of London Corporation:

The proposed national design guide, national model design code and the revised manual for streets could provide a framework for local decision making but should not provide an inflexible framework. National level guidance is not, in most instances, able to properly reflect specific local circumstances or the needs of local communities—vernacular building styles reflect local traditions and should be encouraged as part of a push to improve the beauty of buildings, for example.

They supported local design solutions agreed by local communities.<sup>687</sup> The British Property Federation wanted clarity from the Government about the distinction between local and national design codes and guides. If the latter inform the former that might conflict with what is "popular and characteristic in the local area". They argued however that significant differences in local codes would require different processes, material, and ways of working. Hence, they favoured nationally set design principles, which are "light

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676 Pocket Living ([FPS0023](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

677 GL Hearn ([FPS0141](#))

678 Institute of Historic Building Conservation ([FPS0044](#))

679 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

680 MHCLG, [National Design Guide](#), October 2019

681 CLA ([FPS0049](#))

682 Accessible Retail ([FPS0053](#))

683 MCHLG, [National Design Code](#), January 2021

684 Dr Chris Foye et al ([FPS0033](#))

685 South Worcestershire Councils ([FPS0015](#))

686 Place Alliance ([FPS0054](#)), CPRE the countryside charity ([FPS0077](#))

687 City of London Corporation ([FPS0148](#))

touch design codes, that guide and inform rather than stipulate and require.”<sup>688</sup> Similarly, it was emphasised that Local Plans needed to “set out clear tangible requirements” and not have subjective assessments.<sup>689</sup>

202. We also heard about the limitations of the current proposals. There were calls for greater information, for example about the definition of “popular and replicable forms of development”, and clarity on who judges “whether a proposal achieves acceptable design standards and how and what happens to proposals which don’t meet with a locally agreed design code”.<sup>690</sup> The CPRE commented “Design codes in themselves cannot guarantee the design quality of future development.”<sup>691</sup> The Place Alliance argued there had to be a move away from a standardised approach towards appropriate design for each site.<sup>692</sup> There was scepticism that the design code could ensure the community would approve of the resultant buildings,<sup>693</sup> and worries that the codes would take a long time to prepare and add little beyond other design statements such as masterplans.<sup>694</sup> It was feared that the codes would adversely impact on historic areas be inappropriate for the local contexts.<sup>695</sup> They were seen as possibly stifling innovation yet still permitting unsuitable developments.<sup>696</sup> Consequently there were calls from the National Trust and from Southwark Council for a framework rather than a code which were more embracing and not a “tick-box exercise”.<sup>697</sup>

**203. The Government’s focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals.***

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688 British Property Federation ([FPS0127](#))

689 Midland Heart ([FPS0152](#))

690 Neighbourhood Planners London ([FPS0032](#)), National Trust ([FPS0157](#))

691 CPRE the countryside charity ([FPS0077](#))

692 Place Alliance ([FPS0054](#))

693 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

694 Home Builders Federation ([FPS0073](#))

695 Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), National Trust ([FPS0157](#))

696 Canal & River Trust ([FPS0048](#))

697 Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

# 11 Green Belt

## Background

204. The Green Belt dates to 1947 and has remained largely unreviewed throughout the post-war era. The Government White Paper in 2020 stated that “The existing policy for protecting the Green Belt would remain.” They added “it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements.”<sup>698</sup> There was criticism of the perceived neglect of the Green Belt in the White Paper.<sup>699</sup> There were accordingly calls for details on what would be the “exceptional circumstances” in which Green Belt could be released for development through Local Plans.<sup>700</sup>

## Support for the Green Belt

205. Our public engagement survey received numerous strong expressions of support for the Green Belt. Survey respondents opined that “Green belt should always stay as green belt and never be built on” and that “Brown field should be exhausted until green belt building is even considered”. There were various submissions urging that the Green Belt needed to be protected and promoted,<sup>701</sup> and should be extended.<sup>702</sup> The latter wish reflected fears about its reputed recent reduction. The Heritage Alliance stated there had been a 62% increase in the loss of “greenfield Green Belt land” since 2013.<sup>703</sup> There has been a net reduction in Green Belt of 2.2% since 1997.<sup>704</sup> The CPRE called for “stronger planning policies to support enhancement of the Green Belt.” They proposed closing loopholes in Green Belt, giving greater attention to the management of Green Belt land to enhance health and wellbeing, and prioritising brownfield sites. They warned against swaps of land when some it removed from the Green Belt.<sup>705</sup> We were told the “Green Belt is good, positive planning” stopping urban sprawl and ensuring countryside near to cities.<sup>706</sup> It was also suggested to us that Green Belts could become “carbon-negative sink for city emissions” with high environmental standards and mass tree planting.<sup>707</sup>

698 MHCLG, [White Paper: Planning for the Future](#), p. 28

699 CLA ([FPS0049](#)), Civic Voice ([FPS0076](#))

700 National Housing Federation ([FPS0158](#))

701 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), TCPA ([FPS0034](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Historic England ([FPS0092](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), National Trust ([FPS0157](#)), [Q62](#) (Lisa Fairmaner)

702 NALC ([FPS0021](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

703 NALC ([FPS0021](#)), K Paulson ([FPS0024](#)), The Heritage Alliance ([FPS0066](#))

704 MHCLG, [Local authority green belt statistics for England: 2019 to 2020](#), 10 September 2020. See the tab ‘Area since 1997’ in Accompanying tables: total area and net changes to the green belt by local authority district 2019–20 (annual).

705 CPRE - The Countryside Charity ([FPS0165](#))

706 National Organisation of Residents Associations ([FPS0005](#)), Hever Parish Council ([FPS0007](#))

707 Mr Richard Gilyead ([FPS0022](#)). See also Wildlife & Countryside Link ([FPS0075](#))

## The function and purpose of the Green Belt

206. We were told that there is considerable misunderstanding about the purpose and function of green belt, including that people often conflated Green Belt and green fields,<sup>708</sup> and overlook its original purpose having been to keep urban areas apart.<sup>709</sup> It was pointed out that there are many Green Belts across the country serving different purposes.<sup>710</sup> Brian Berry, acknowledging the emotive nature of Green Belt, argued “It is not all lush, green land. It is some scrubland” that could be developed by small builders.<sup>711</sup>

## Should the Green Belt be reviewed?

207. We received numerous calls for reviews of the Green Belt.<sup>712</sup> There was only one submission proposing the outright abolition of the Green Belt.<sup>713</sup> Instead Professor Vincent Goodstadt declared “In the national housing debate [it] is now the over-riding political football which consistently reverts to a debate about releasing land from the Green Belt.”<sup>714</sup> One councillor told us the Green Belt was “an anti-growth mechanism” that drove up building heights and housing costs, echoing the language of the green belt as a “straightjacket” used in another submission.<sup>715</sup> Steve Quartermain proclaimed himself a “big fan” of Green Belt, and did not wish to undermine it, but added “you have to question whether or not some of the existing green-belt boundaries are still appropriate. There is scope for a wider review of the green belt, mainly to re-establish the purpose of green belt,” namely to keep settlements apart.<sup>716</sup> Claire Dutch echoed those calls, arguing “it is time for a grown-up conversation about the green belt. It has been a taboo subject for so long ... The fact we have green belt within the M25 quite frankly seems bonkers, and we need to look at this again.”<sup>717</sup> There was disagreement over the level at which such reviews should take place: at local authority or neighbourhood plan level,<sup>718</sup> or at a sub-national or “strategic” level,<sup>719</sup> or at a national level.<sup>720</sup>

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- 708 Tamworth Borough Council ([FPS0013](#)), Homes for the South West ([FPS0070](#)). See also Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 709 [Q105](#) (Steve Quartermain). See also Inspired Villages ([FPS0167](#))
- 710 Chartered Institute of Building ([FPS0096](#))
- 711 [Q27](#) (Brian Berry)
- 712 CLA ([FPS0049](#)), Prof Vincent Goodstadt ([FPS0058](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Stonewater ([FPS0103](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), British Property Federation ([FPS0127](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Paul G. Tucker QC ([FPS0153](#)), [Q25](#) (Brian Berry)
- 713 PricedOut ([FPS0129](#))
- 714 Prof Vincent Goodstadt ([FPS0058](#))
- 715 Land Promoters and Developers Federation ([FPS0138](#)), LSE London ([FPS0139](#))
- 716 [Q105](#) (Steve Quartermain)
- 717 [Q107](#) (Claire Dutch)
- 718 Institute of Historic Building Conservation ([FPS0044](#)), Local Government Association ([FPS0056](#)), Abri ([FPS0078](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Stonewater ([FPS0103](#))
- 719 Prof Vincent Goodstadt ([FPS0058](#)), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 720 Home Builders Federation ([FPS0073](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), District Councils’ Network ([FPS0082](#)), British Property Federation ([FPS0127](#))

208. These calls for review often linked to a wish to develop Green Belt land. This included for affordable housing, to facilitate shorter commutes,<sup>721</sup> to build data centres and logistic facilities, and extract minerals.<sup>722</sup> This fed into the idea of permitting ‘transport corridors’, championed by the RTPI, where development is permitted near to railway stations. The Centre for Cities argued this could deliver 1.6 to 2.1 million homes.<sup>723</sup> Savills proposed permitting garden towns/villages/communities in the Green Belt.<sup>724</sup> The Yimby Alliance urged increased use of existing powers permitting parishes to authorise more houses (where they would not connect with other settlements) of an agreed design in the Green Belt.<sup>725</sup> It was suggested that the Green Belt should be subject to the “same tests of soundness” as any other Local Plan policy.<sup>726</sup> Contrastingly, the National Trust saw a review as a way for the Government to consider how Green Belt could deliver more public benefit, biodiversity, and local nature recovery networks.<sup>727</sup>

209. We asked the Minister whether the Government had shut the door to a review of Green Belt policy. He highlighted that the Green Belt was designed to stop urban sprawl and there was a manifesto commitment to maintain the Green Belt. He argued that the renewal zones and financial support for brownfield regeneration would avoid the need to encroach on “important green spaces that we know communities, yours and mine, feel very strongly about.”<sup>728</sup>

**210. We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination.**

## Metropolitan Open Land

211. There was also emphasis placed on the importance of protecting Metropolitan Open Land in London, and other green spaces in urban areas. The Heritage Alliance was concerned that green spaces not in protected spaces were vulnerable.<sup>729</sup> The GLA called for the same protections that apply to Green Belt to apply for Metropolitan Open Land, including consideration when settling housing targets.<sup>730</sup>

721 [Q25](#) (Kate Henderson) [Q26](#) (Philip Barnes)

722 Mineral Products Association ([FPS0050](#)), Ark Data Centres ([FPS0063](#)), Hill Homes Developments Ltd ([FPS084](#)), British Property Federation ([FPS0127](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

723 Royal Town Planning Institute ([FPS0113](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#)), Centre for Cities ([FPS0144](#))

724 Savills ([FPS0101](#))

725 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

726 Prof Vincent Goodstadt ([FPS058](#)), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

727 [Q106](#) (Ingrid Samuel)

728 [Q156](#) (The Minister)

729 The Heritage Alliance ([FPS0066](#))

730 Greater London Authority ([FPS0149](#)). See also Just Space ([FPS0115](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q62](#) (Lisa Fairmaner)



212. Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. *We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt.*

## 12 Environmental and historical protections

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### Background

213. A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.<sup>731</sup> As a consequence much natural habitat and wildlife have been preserved, historic buildings spared the wrecking ball, and knowledge of the past enhanced by the archaeological works that often precede developments. However, these protections have not been enough to, for example, stop the UK undergoing long-term deterioration in 14 of 42 key biodiversity indicators. These have included declines in the status of UK habitats and species of European importance, and in farmland and woodland birds.<sup>732</sup> This chapter begins by considering the current protections framework. It then considers the impact of the Government's reforms and whether further protections are required.

214. The Government White Paper included a commitment that new homes would have 75–80% lower CO2 emissions by 2025, with these properties being “zero carbon ready” and thus able to become “fully zero carbon homes over time as the electricity grid decarbonises”. This is part of achieving net-zero by 2050.<sup>733</sup> This represented a restart in efforts to reduce carbon emissions, after the abandonment of the previous policy (in 2015) of achieving through the Code for Sustainable Homes zero-carbon new homes by 2016. The 2050 target for carbon neutral homes was seen as insufficiently ambitious.<sup>734</sup> It appears to be behind what the construction industry could achieve. We were told that Barratt was planning to make their standard homes zero-carbon by 2025 and all their homes by 2030.<sup>735</sup> We have begun a new inquiry to examine this subject more thoroughly and will make recommendations to Government.

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731 Institute of Historic Building Conservation ([FPS0044](#))

732 Department for Environment, Food and Rural Affairs, [UK Biodiversity Indicators 2020](#), October 2020, pp 3–7

733 MHCLG, [White Paper: Planning for the Future](#), p. 45

734 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Policy Connect ([FPS0014](#)), South Worcestershire Councils ([FPS0015](#)), Kent Association of Local Councils ([FPS0028](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Centre for Ageing Better ([FPS0055](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), District Councils' Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)), MCS Charitable Foundation ([FPS0102](#)), Energy UK ([FPS0105](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), CoMOUK ([FPS0160](#)), Robert Rush ([FPS0163](#)), [Qq29–30](#) (Kate Henderson, Brian Berry), [Q74](#) (Philip Waddy), [Q84](#) (Paula Hewitt)

735 [Q30](#) (Philip Barnes)

## Current protections

215. The broad consensus of submissions supported the current systems of environmental, heritage, and archaeological protections.<sup>736</sup> There was very little support for weakening the existing rules, although there was criticism of specific listing decisions.<sup>737</sup> An exception to this were the disagreements over environmental impact assessments (EIAs). The National Grid supported the current legislation and favoured using it as the starting point for a new framework.<sup>738</sup> However, Energy UK saw this as an opportunity to reduce costs and delays and reform EIAs. This entailed publishing clear requirements and standards, placing a major focus on environmental management plans, including them at an earlier stage in the EIA process, and making the EIA process more digital.<sup>739</sup>

216. There were some concerns about enforcement under the current system. Water UK said the current system “provides an imperfect safeguard for the environment and communities.”<sup>740</sup> Similar worries were echoed with respect to Areas of Outstanding Natural Beauty (AONB).<sup>741</sup> The CPRE warned about growing pressures to introduce housing units in Areas of Outstanding Natural Beauty (AONB), pointing to an increase of 82% in the housing units approved from 2012 and 2017 and a fivefold increase in the amount of AONB land approved for housing in the same period.<sup>742</sup> The National Trust were among those worried that enforcement was ineffectual through being under-resourced, discretionary, politicised, reactive, and lacking strong penalties.<sup>743</sup> We were also told that Historic England had fewer planners than its predecessor, English Heritage; that local designations such as Village Design Statements and Parish Plans had been ignored in new Local Plans;<sup>744</sup> and there was inadequate funding for bodies such as Local Nature Partnerships.<sup>745</sup>

## Further protections—heritage, science and culture

217. Urban Vision Enterprise declared that “The Planning White Paper mentions heritage in passing, but with little focus.”<sup>746</sup> It was similarly noted there had been no question on heritage protection in the consultation.<sup>747</sup> Claire Dutch told us:

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- 736 Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), South Worcestershire Councils ([FPS0015](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Home Builders Federation ([FPS0073](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Lifestory Group ([FPS0116](#)), Bristol City Council ([FPS0119](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))
- 737 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))
- 738 National Grid ([FPS0088](#))
- 739 Energy UK ([FPS105](#))
- 740 Water UK ([FPS0140](#))
- 741 Roter District Council and Burwash: Save our Fields ([FPS0143](#))
- 742 CPRE the countryside charity ([FPS0077](#))
- 743 National Trust ([FPS0157](#)). See also St Albans Civic Society ([FPS0057](#)), Allyson Spicer ([FPS162](#))
- 744 NALC ([FPS0021](#))
- 745 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 746 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 747 Institute of Historic Building Conservation ([FPS0044](#))

The White Paper does not deal with heritage in any great respect ... We have an adequate framework for protection of historic assets in this country. It works, it does the job and we do not need to tinker with it.<sup>748</sup>

These comments echoed a widely felt wish for clarity about the impact on historical and environmental protections in ‘growth’, ‘renewal’, and ‘protected’ areas, for example for listed buildings, existing conservation areas, and green spaces.<sup>749</sup> The Bartlett School of Planning at UCL argued that:

It is hard to see how well a listed building could be protected in relation to development proposals for immediately adjoining buildings in a ‘growth’ or ‘renewal’ area under the government’s proposals.<sup>750</sup>

Hackney Council, among others, also emphasised the importance of continuing to let local authorities play a crucial role in listing buildings or designating Conservation Areas.<sup>751</sup>

218. There was some wariness about blanket protections for protected areas, with a wish for local authorities to take a flexible approach,<sup>752</sup> allowing for “improvement and enhancement to maximise opportunities.”<sup>753</sup> There was a plea for greater consistency,<sup>754</sup> and for ensuring historic buildings can be made energy efficient.<sup>755</sup>

219. However, both the National Trust and Historic England complained that the White Paper took too narrow a perspective of heritage and historic locations, and how existing protections would integrate into the proposed new system.<sup>756</sup> The National Trust also highlighted how the planning system provided the only protection for “historic parks, gardens and battlefields”, for unlisted and Grade II listed buildings not on Historic England’s Heritage at Risk Register, and for undesignated sites.<sup>757</sup> Their representative also stressed to us that heritage is not a barrier to development.<sup>758</sup> Brian Berry from the Federation of Master Builders contended there needed to be more skilled workers to deal with historic buildings and ensure zero-carbon properties.<sup>759</sup>

220. To provide greater protections better up-front assessments of the historic environment were advocated. These would help identify sites in growth areas likely to be of archaeological interest. This linked to the need for more data and information about historic and environmental sites,<sup>760</sup> as over 90% of heritage assets are undesignated (that

748 [Q102](#) (Claire Dutch)

749 South Worcestershire Councils ([FPS0015](#)), NALC ([FPS0021](#)), TCPA ([FPS0034](#)), Woodland Trust ([FPS045FPS0045](#)), The Heritage Alliance ([FPS0066](#)), Wildlife & Countryside Link ([FPS0075](#)), CifA, CBA & ALGAO UK ([FPS080](#)), District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#)), Savills ([FPS0101](#)), Royal Town Planning Institute ([FPS0113](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

750 Bartlett School of Planning, University College London ([FPS0097](#))

751 London Borough of Hackney ([FPS0091](#)). See also Institute of Historic Building Conservation ([FPS0044](#))

752 Abri ([FPS0078](#)), Stonewater ([FPS0103](#))

753 Locality ([FPS0086](#))

754 Hill Homes Developments Ltd ([FPS084](#))

755 British Property Federation ([FPS0127](#))

756 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

757 National Trust ([FPS0157](#))

758 [Q101](#) (Ingrid Samuel)

759 [Q28](#) (Brian Berry)

760 Cllr John Crawford ([FPS0008](#)), The Heritage Alliance ([FPS0066](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), National Trust ([FPS0157](#))

is not nationally listed)<sup>761</sup> The Heritage Alliance argued this would benefit locations not yet discovered (e.g. archaeological finds) or identified (e.g. buildings not yet listed) or that are part of wider historic landscapes (e.g. monuments and battlefields).<sup>762</sup> They proposed putting the Historic Environment Record datasets on a statutory footing, an approach supported by Historic England.<sup>763</sup> Historic England recommended “a precautionary approach, and a duty to report finds at on-site stage.”<sup>764</sup>

221. Alongside improved information there were calls for increased protections, including through primary legislation. These included for World Heritage Sites,<sup>765</sup> Jodrell Bank Observatory (to prevent interference with their telescopes),<sup>766</sup> existing conservation areas with historic towns, such as Saltaire near Bradford,<sup>767</sup> cultural venues that should have a ‘cultural characteristics’ designation in growth and renewal areas,<sup>768</sup> and buildings of local interest.<sup>769</sup> This linked to permitting local designations of green spaces and heritage sites.<sup>770</sup>

222. The Minister agreed that heritage was not an obstacle to development.<sup>771</sup> Simon Gallagher also argued that “a lot of the heritage considerations are best handled earlier at the plan-making point. If you have made the decision that an area is, in principle, available for development, there are some really challenging things for the heritage bodies to get involved in down there.”<sup>772</sup> In January 2021 the Government did announce that they were “doubling the available funding for areas under the “local heritage listing–monuments men” campaign, with up to £1.5 million now available for communities to nominate local heritage sites including historical buildings or modern architecture, art and memorials for inclusion in their council’s local heritage list.”<sup>773</sup>

**223. There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas.**

761 The Heritage Alliance ([FPS0066](#)). See also CifA, CBA & ALGAO UK ([FPS0080](#)), Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

762 The Heritage Alliance ([FPS0066](#)). See also South Worcestershire Councils ([FPS0015](#))

763 The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

764 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

765 [Q101](#) (Ingrid Samuel)

766 Dr Ken Morris ([FPS0001](#))

767 Tenterden Town Council ([FPS0003](#)), World Heritage UK ([FPS0046](#)), The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

768 WMCA (Cultural Leadership Board) ([FPS0029](#))

769 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

770 NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Neighbourhood Planners London ([FPS0032](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), Royal Town Planning Institute ([FPS0113](#))

771 [Q140](#) (The Minister)

772 [Q145](#) (Simon Gallagher)

773 “All new developments must meet local standards of beauty, quality and design under new rules”, MHCLG Press Release, 30 January 2021.

## Further protections—flooding

224. There were also calls for greater safeguards against building in areas vulnerable to flooding. Although the Government's proposals would designate areas at risk of flooding as protected areas, there were worries there was a lack of clarity as to what was deemed flood risk. The evidence we received opined historical data was a poor guide given the greater risks posed by climate change. There were also calls for the policy to be considered in the context of wider flooding policy.<sup>774</sup> We also note that the Environment, Food and Rural Affairs Committee have asked the Government to explain how their reforms to the planning system will produce "better flood resilience outcomes than the current planning system."<sup>775</sup>

225. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy.*

## Further protections—nature and wildlife

226. A major feature of responses to our public engagement survey was the importance attached to nature and wildlife. This was the most mentioned subject; with concerns expressed that it was currently insufficiently considered, and that greater protection was needed. This was borne out in our written evidence. There was concern that there was already insufficient protection,<sup>776</sup> and that the White Paper had said little beyond advocating tree lined streets.<sup>777</sup> There were concerns that the proposals would weaken protection in growth and renewal areas.<sup>778</sup> There was uncertainty whether environmental assessments would need to be carried out at the Local Plan stage or later in the process.<sup>779</sup>

227. There were concerns about a simplified process for environmental impact assessments.<sup>780</sup> For example, the Institute of Environmental Management Assessment (IEMA) noted that the White Paper had not specified how their reforms would impact on the strategic environmental assessments (conducted at the Local Plan) and environmental impact assessments (conducted at a project-level), and their relationship to one another. They wanted clear requirements for both to be published. They also proposed considerable use of an environmental management plan for all proposals. These were described as a "single plan against which monitoring can be undertaken to ensure implementation/delivery post-consent compliance and evolve to provide the structure and control mechanisms of further plans."<sup>781</sup>

228. The CPRE called for further protections for non-Green Belt countryside around towns,<sup>782</sup> and there were also calls for better protections for parks, ancient woodlands and

774 Cllr John Crawford ([FPS0008](#)), Policy Connect ([FPS0014](#)), National Flood Forum ([FPS0126](#)), Water UK ([FPS0140](#))

775 Environment, Food and Rural Affairs Committee, Fourth Report of Session 2019–21, [Flooding](#), HC 170 para 73.

776 Tenterden Town Council ([FPS0003](#))

777 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Tenterden Town Council ([FPS0003](#)), District Councils' Network ([FPS0082](#))

778 Wildlife & Countryside Link ([FPS0075](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#))

779 Locality ([FPS0086](#))

780 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Aldersgate Group ([FPS0120](#))

781 IEMA - Institute of Environmental Management and Assessment ([FPS0168](#))

782 CPRE the countryside charity ([FPS0077](#))



other green spaces in cities.<sup>783</sup> The National Trust drew attention to the importance of ‘green infrastructure’ for health and wellbeing in the White Paper, something reinforced in our oral evidence session.<sup>784</sup> Our public engagement event echoed the concerns raised in the survey. One participant said: “I think certainly there needs to be a consideration to perhaps more, and more useable, outside space. Manchester city centre has almost no useable parks, for example, whereas London has masses.” (*Participant G, Room 2*).

229. There were concerns raised about how the planning reforms will overlap with other reforms planned by the Government. The proposed Environment Bill and suggested reforms to environmental impact assessments will directly feed into the treatment of nature and wildlife. The TCPA expressed concerns it was unclear how the White Paper fitted with the Environment Bill or 25-year environment plan.<sup>785</sup> This was echoed in our oral evidence session, by Paula Hewitt from ADEPT.<sup>786</sup> Attempts to ensure zero-carbon homes connects with wider government efforts to reduce carbon emissions. Similarly, we were told changes in agricultural policy would impact on the planning system.<sup>787</sup> Other measures proposed included the assessment of trees to determine their environmental and financial value,<sup>788</sup> use of locally conducted landscape character assessments and implementation of Julian Glover’s *Landscape Review*.<sup>789</sup> There were also calls for greater information about the impact on different types of species and habitats.<sup>790</sup> The Woodland Trust highlighted their concerns about the incomplete nature of the Ancient Woodland Inventory, the Ancient Tree Inventory, and the lack of consistent records of Tree Preservation Orders.<sup>791</sup> There was also support for the retention of sustainability assessments,<sup>792</sup> and the establishment of Bioregional Forums that could map areas and feed into Local Plans, including resolving cross-boundary issues,<sup>793</sup> and greater cooperation between local authorities.<sup>794</sup>

230. Similar concerns about the impact on the environment and healthy living was raised at our public engagement event, especially the impact on people in disadvantaged circumstances living in urban areas:

“In most cases, the growth areas are areas closest to public transport, mainly in urban areas. The issue there would be: would these growth areas be appropriately designed to provide open spaces and places where people can experience fresh air and get more healthy living? As we can see from the Covid pandemic, most people were locked up in their flats and couldn’t leave or experience the outdoors like those in the countryside, where the protection zoning might occur. So, we think that zoning—growth, renewal, protection—could further disadvantage those who are already disadvantaged.” (*Participant D, Room 3*)

783 Clean Air in London ([FPS0087](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))

784 National Trust ([FPS0157](#)), [Q84](#) (Paula Hewitt)

785 TCPA ([FPS0034](#)). See also the Campaign for National Parks ([FPS0043](#)), Local Government Association ([FPS0056](#))

786 [Qq84–85](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel)

787 [Q96](#) (Ingrid Samuel)

788 Cllr John Crawford ([FPS0008](#))

789 Cllr John Crawford ([FPS0008](#)), Campaign for National Parks ([FPS0043](#)); Julian Glover, *Landscapes Review*, 2018.

790 Cllr John Crawford ([FPS0008](#))

791 Woodland Trust ([FPS0045](#))

792 UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

793 Mark Stevenson ([FPS0083](#))

794 [Q97](#), [Q106](#) (Ingrid Samuel)

231. We asked the Minister about environmental policy. Both the Minister and Simon Gallagher stated there had been close work with the Department for Environment, Food and Rural Affairs (DEFRA) who were taking the Environment Bill through Parliament.<sup>795</sup> The Minister also wanted to ensure planning incorporated “green roofs, bee bricks, hedgehog highways and all those sorts of things.” This would be in line with the objective of the Environment Bill of ensuring a net gain in biodiversity. He also said that the national model design code would “focus on the hierarchy of green spaces in public spaces”, the importance of tree-lined streets and providing parks in urban areas.<sup>796</sup>

***232. The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill.***

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795 [Q134](#) (Simon Gallagher and the Minister), [Q157](#) (The Minister)

796 [Q157](#) (The Minister)

# Conclusions and recommendations

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## Our current planning system

1. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen's Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.* (Paragraph 16)

## The Government's three areas proposal

2. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.* (Paragraph 32)
3. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*
  - *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the local plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
  - *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent*

*overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.*

- *The Government should consider the proposals for sub-areas within the ‘renewal area’, where permission in principle would not apply and individual planning permission would be required.*
  - *The Government should implement a ‘highly protected’ alongside a ‘protected’ area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
  - *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
  - *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns. (Paragraph 33)*
4. *We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government’s proposed reforms. The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects. (Paragraph 34)*

## Local Plans

5. *We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch. The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans. (Paragraph 45)*

6. We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the 'right to be heard'.* (Paragraph 46)
7. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales. (Paragraph 47)
8. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. *Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.* (Paragraph 52)
9. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.* (Paragraph 61)

### Public engagement

10. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and publishing of statistics about public involvement in Local Plans and in individual*

*planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged.* (Paragraph 76)

11. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the local plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.* (Paragraph 77)
12. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.* (Paragraph 78)
13. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.* (Paragraph 88)

### The housing formula

14. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area. (Paragraph 110)
15. We think the Government's abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government's revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres *The Government should:*
  - *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*



- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands (Paragraph 111)*

16. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should also take account of criticisms of the existing ‘standard method’ and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.*
- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority’s assessment could then be evaluated by the Planning Inspectorate. (Paragraph 112)*

### How to deliver new homes

17. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location. (Paragraph 116)*

18. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. *The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the Local Planning Authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.* (Paragraph 129)
19. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. *The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.* (Paragraph 136)
20. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. *We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.* (Paragraph 139)
21. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target. *Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone are insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address*

*created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites. (Paragraph 144)*

## Omissions

22. We agree that the Government's proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The 'levelling up' agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament (Paragraph 148)*

## Land capture and the funding of infrastructure

23. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee's report into land value capture. The Government's response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. *We call upon the Government to act upon the whole range of recommendations in our predecessor committee's Land Value Capture report. (Paragraph 154)*
24. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements. (Paragraph 161)*

25. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings. *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.* (Paragraph 176)

### Resources and skills

26. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government's proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister's assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.* (Paragraph 185)
27. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primarily legislation, to clearly explain how the various skill needs of the planning system will be met.* (Paragraph 186)

### Design and beauty

28. The Government's focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design*

*policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a 'fast track for beauty'. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government's proposed reduction in the opportunities for people to comment on individual planning proposals. (Paragraph 203)*

## Green Belt

29. *We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination. (Paragraph 210)*
30. *Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt. (Paragraph 212)*

## Environmental and historical protections

31. *There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas. (Paragraph 223)*
32. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy. (Paragraph 225)*
33. *The planning system should pay greater attention to the importance of green spaces and to wildlife near to people's residences. The Government should reconsider the*

*retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill. (Paragraph 232)*



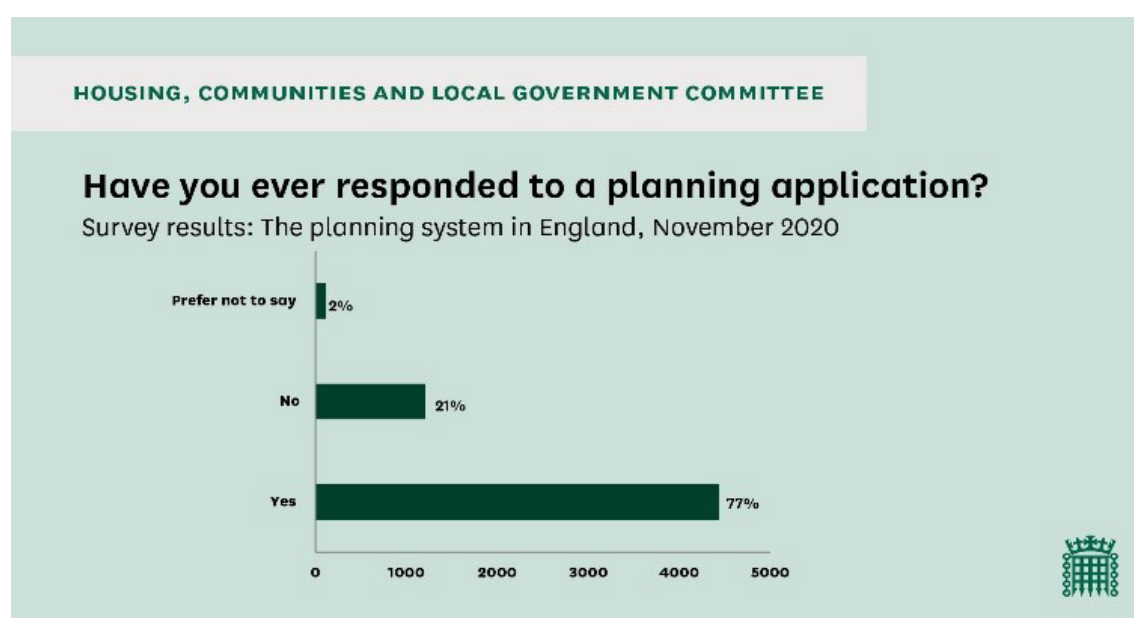
# Appendix 1: Public engagement survey

## About the survey

1. On 29 October 2020 we launched a public engagement survey for our inquiry, which ran until 12 November 2020. We received 5,756 responses. We would like to thank everybody who took the time to answer our questions and provide comments. Although the responses are not necessarily representative of the views of the wider public, they provide a useful snapshot of opinions and helped inform our inquiry. The responses have helped us consider issues that were not necessarily discussed in our oral and written evidence; and fed into questions for our final evidence session with Minister for Housing, Christopher Pincher.

2. This appendix summarises responses to the survey and includes anonymous quotations from those responses. It begins with respondents' engagement with the planning system, before turning to the major issues raised: nature and wildlife; the use of brownfield sites; views of the current planning system, including whether the planning system is making it too easy or too difficult to build; attitudes towards local authorities and planning departments. Next it covers opinions about local and national housing needs, including the Government's 300,000 housing unit a year target. It then focuses on attitudes towards the Government's proposed reforms to the planning system, and lastly it concludes with respondents' ideas for the future of planning.

## Respondents' experience with the planning system



- 77% of the respondents to our survey had responded to a planning application.
- 50% of respondents had put in a planning proposal (against 47% who had not and 3% who preferred not to say.)
- 72% of respondents said that they had responded to a consultation for a Local Plan in their area.

## Nature and wildlife

3. Nature and wildlife were the subjects most frequently mentioned, normally together, by respondents. There were over 1,200 references to nature, the environment, and wildlife. Here are some of the comments we received:

- “Impact on wildlife and nature should be given a much higher priority and surveys done by independent groups or using wildlife group data”.
- “Much more consideration needs to be given to the impact of future planning on wildlife and biodiversity in the area. This is the most important thing.”
- “Nature needs to be prioritised when considering building new homes. That’s the best way to ensure we can all have healthy, and sustainable places to live and work.”
- “Wildlife and the environment has to be at the heart of every planning decision so we all have places to live, work and visit which are beneficial to our physical and mental health and not detrimental to our precious environment and wildlife.”
- “Much more consideration should be given to protecting the country side and wildlife. Far too many green fields and woods have already been destroyed.”

4. These worries about the environment tied into support for building in more sustainable ways. This included improving insulation and ensuring houses were energy efficient:

- “The future of planning in England must always consider, protect and aim to improve the country’s ecosystems and natural resources. Developments must be genuinely environmentally sustainable; this is not an area that can be compromised in pursuit of cost-cutting or profit.”
- “All new homes should be environmentally friendly, with ground source heating, rain collection systems, solar panels and better insulation”.

## Brownfield land

5. The next issue most mentioned was using brownfield land ahead of greenfield sites or building on the Green Belt. Clearly this was connected with concerns about nature and wildlife. There were also calls for better use of existing buildings—including converting offices and shops into housing:

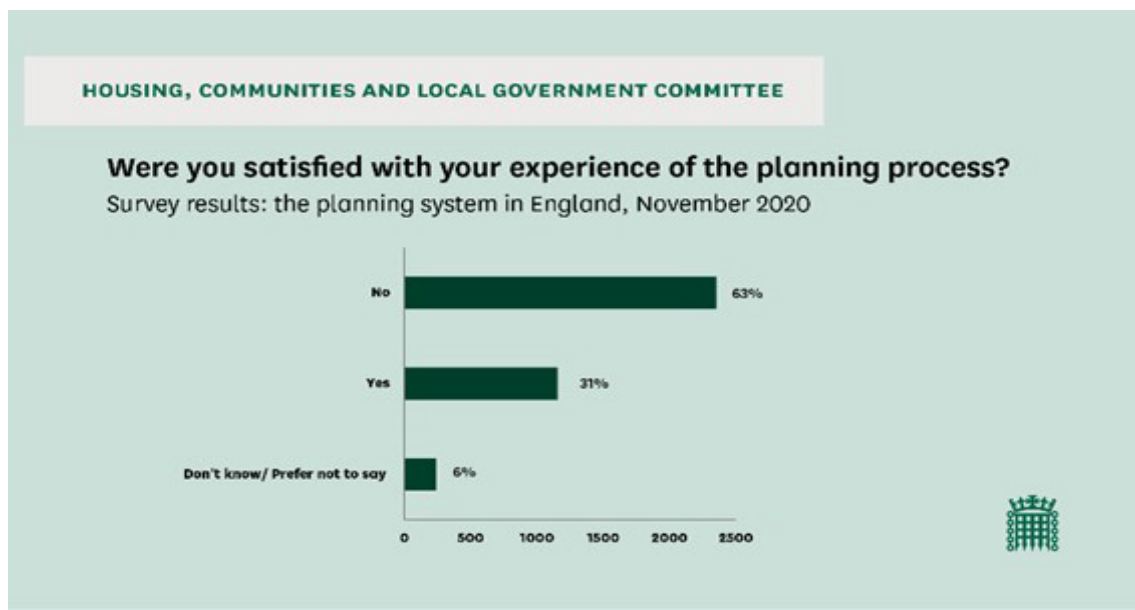
- “I would prefer that it is made more difficult to build on green belt when brownfield sites are available. Green belt should only be used when other options have been exhausted.”
- “Green belt should always stay as green belt and never be built on.”
- “Brown field should be exhausted until green belt building is even considered”.
- “We have concerns about the number of properties being built on greenbelt land. Yes, we need some new properties but not enough consideration is given

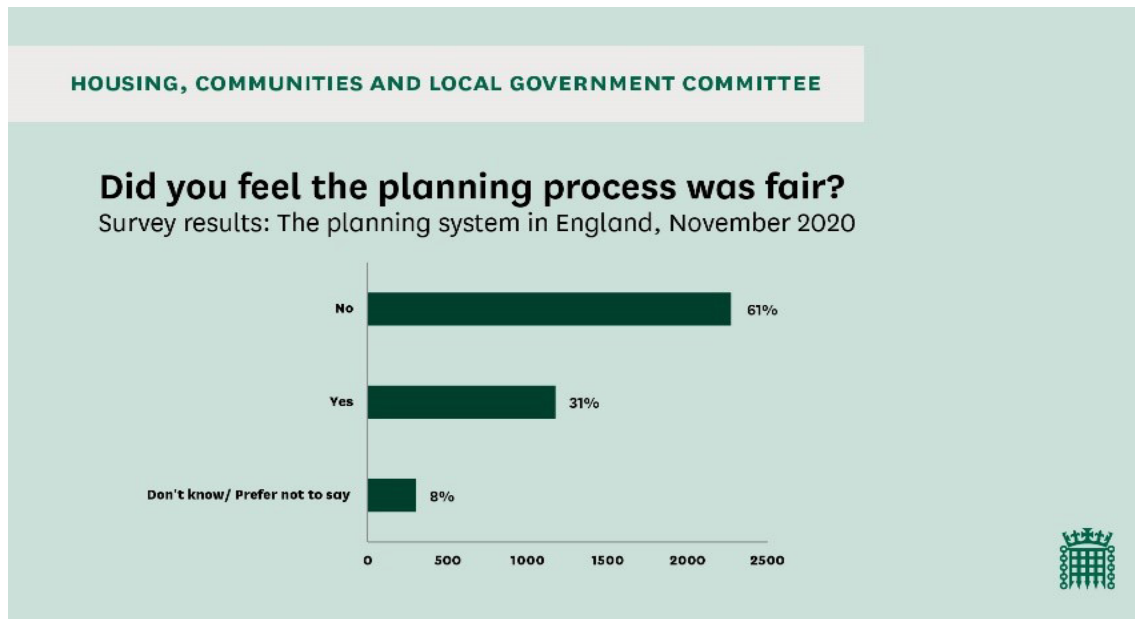
to the appearance of the buildings in relation to their environment. So many buildings are just an eyesore and they would be more acceptable if they looked appealing and fitted in with their surroundings. Our countryside and green space should not be sacrificed just to build more houses. More use should be made of brownfield sites and renovating existing buildings.”

- “Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.”
- “There are swathes of derelict offices and buildings that can be sensibly converted into homes.”
- “There may be some need for new homes but I doubt the number that is presently planned for. No mention is ever made of severely controlling second homes. If these were released the number of new builds would be greatly reduced. Unspoilt countryside is very much at a premium. Our countryside and nature cannot afford the sprawl that is envisaged.”

## Experiences of the current planning system

6. We asked those who had said they had experience of the planning system whether they were satisfied with their experience, and whether they thought the process was fair.





- 63% said they were not satisfied with their experience. 61% said they did not think that the planning process was fair.

7. We also asked whether respondents felt the planning process reached decisions at the right speed. 54% disagreed that decisions were made at the right speed.

8. We wanted to know whether people could easily find out information about planning proposals. 17% of respondents thought information about planning proposals was easily available. 46% said that it was it was somewhat easily available, and 34% said it was not easily available.

9. The comments received also voiced concern about the state of the current planning system. There were complaints that the system was opaque, inconsistent, and was predisposed towards building more houses:

- “The current planning system is opaque and difficult for the layperson to navigate”.
- “EPlanning was intended to allow for 24/7 access. This hasn’t occurred. Too many records are not available online, which requires unnecessary time and money spent trying to access those records.”
- “Whilst my experience of the planning system has on the whole been reasonable it has been erratic and illogical with little ability to properly engage and get a consistent answer to what is acceptable and what isn’t which makes it time consuming, costly and frustrating.”
- “Planning consultations are too short and not well publicised. They don’t take enough account of the needs and demands of the area and should do this more.”
- “Planners have too much power of interpretation of ever more vague standards. Planning committees have mostly no idea on what is the right decision for a

particular submission. There is abuse of the system by developers and planners ... which leads to large scale developments being able to ignore local and national standards for a few pounds.”

- “We are supposed to live in a democratic society, how then is it possible that our very way of life our homes are amenities are under constant threat to developments that erode our very existence. The planning process is undemocratic and in the hands of unqualified people making the wrong decisions that affect whole communities we need a fairer system that allows the people to have more say in what gets built and how.”

10. There were also complaints that the system was biased towards developers, and that they were too slow at completing developments with planning permission:

- “The planning system is heavily weighted in favour of the developer on every level”.
- “It’s too expensive for councils to defend planning decisions against builders’ expensive lawyers and they always appeal so councils often have to stand down.”
- “The fact developers can keep on reapplying time and time again with a few tweaks, needs stopping. It is a waste of everyone’s time and money”.
- “Once there is an agreed house building requirement the process should be under local Government Control ... especially in the case of Planning Appeals. Large developers use ‘planning by appeal’ to overcome local objections and requirements such as infrastructure and affordable housing”.
- “There are already about 1 million planning permissions already granted for homes. The Government should concentrate on getting developers to build those houses now. Until those are built, no more permissions should be granted for sites of more 5 houses. The construction industry needs a stick more than a carrot.”
- “All new developments approved should have an agreed reasonable timescale for build out.”

11. Criticism of the planning system also came from those supportive of permitting more developments:

- “Narrow the range of people consulted in applications, currently too many people can effectively veto development from a surprisingly long distance away.”

12. Some respondents defended the current system, but with some criticisms about resourcing and other issues:

- “There is very little wrong with the current system except that the planning authorities have been deprived of resources and are therefore unable to perform effectively.”
- “Increase Local Authority resourcing to process and determine applications in accordance with timescales.”

- “Unfortunately too many local authorities, including the one I live in, made all of their planning officers redundant and have no professional input to the planning application process. This was short sighted and highly damaging.”
- “The system is fundamentally sound, however it is often over complicated by local issues which don’t relate to planning considerations being used to disrupt the system, it is also grossly underfunded at local government level which causes many problems and delays.”

### Opinions about whether the planning system makes it too easy or too difficult to build

13. Some argued that the planning system was making it too difficult to build:

- “I am not averse to objections being made on planning grounds. However with the rise of social media the ease of a few objectors to promote unsubstantiated objections for their *[sic]* own purposes is increasing at an alarming rate ... I am in favour of a simplified system even to the extent of planning permissions for small schemes of under a certain size being decided by planning officers.”
- “There has to be a level of control to protect building standards and neighbourhood environments. However the balance between costs/timescales for builders and controllers (councils) and the needs/benefits to the community has to be right. I am literally amazed at the cost/ time taken to get to the build stage which is a cost which will put pressure on the eventual build quality and demotivate self build/developers. My Neighbourhood Plan illustrates my point, it identifies poor quality housing—why should I invest if I cannot build what I would like/or get fair return. We must cut the cost of planning. The planners should be part of the team, not starting from a NO position but more of a proactive advisory role—guiding and nurturing. My pre-application experience gave me no advice how I could achieve what I was trying to do.”
- “The issue with the planning system is that local councillors do all that they can to frustrate housebuilding, despite the recognised housing crisis and need to address nearly 40 years of under-delivery. They see housing as a vote loser so actively obstruct it.”
- “I’m a renter paying enormous amounts of money. I don’t know if I will ever be able to afford a home. I am tired of the planning system being co-opted by wealthy homeowners who think that we don’t need more homes! Young people have a right to housing too but our voices are ignored.”

14. Contrastingly, opponents of additional building took the opposite view, that the planning system was making it too easy to build:

- “The planning process in Devon is driving social inequality. It is pitting communities and neighbours against each other and causing mental and physical distress and ill health. It is heavily weighted in favour of development and therefore those with the expertise and finances to exploit the planning to



its maximum. It needs to be significantly slowed down and for decisions to be given back to local planning office who are best placed to make the right decision for the community that they are at the heart of.”

- “Stop building so heavily in the south east and east of England we do not have the infrastructure and are losing all our lovely open space there is a lot of land north of Birmingham”.

## Attitudes towards local authorities and planning departments

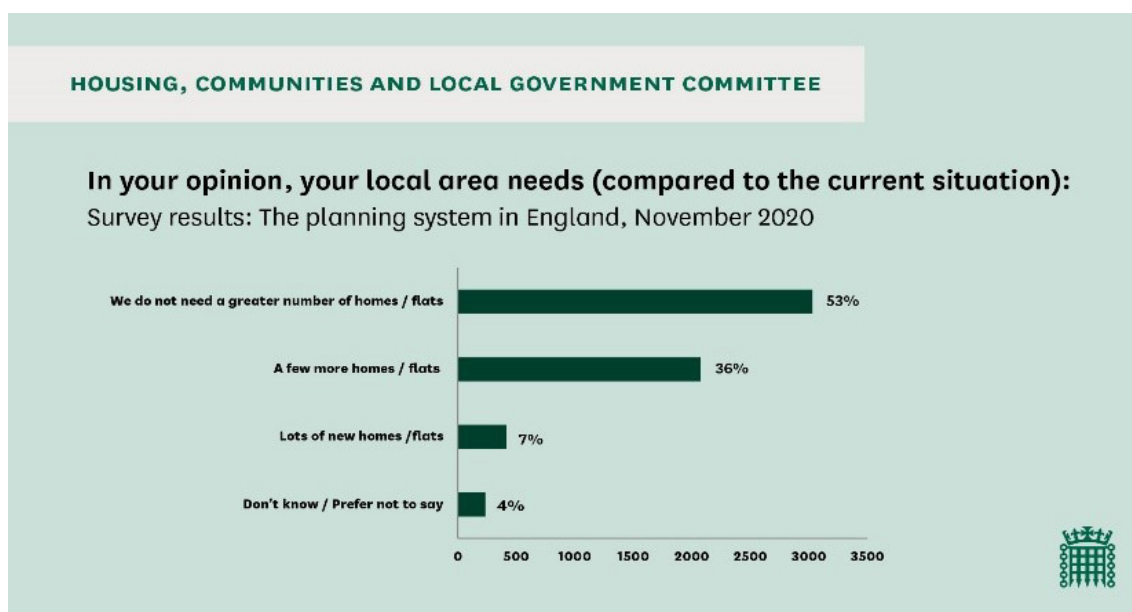
15. There were specific criticisms of the unhelpfulness and inconsistency of some planning offices. There were calls for planning committees to be better informed. Worries were also raised about conflicts of interest where councils are involved in the development. Some of the comments included:

- “At times it appears that the Planning Department deliberately obfuscate, do not make information available in a timely manner and generally would prefer it if the public did not get involved.”
- “Planning officers need to be more consistent. It seems that a successful application depends on which officer you get. New housing developments should go hand in hand with infrastructure improvements.”
- “Members of planning committees need to better understand the planning process and to read the information submitted with each application so as to avoid the frequent situation that arises where applications are refused despite the reason for refusal has been clearly dealt with within the application documents.”
- “Have been shocked at how corrupt the system is. Our District Council has become a housing developer and passes its own planning applications. Individual Councillors approve planning applications for their mates. Planning Inspectors can overturn decisions by other planning inspectors. Planning decisions are perverse - particularly in our Conservation Area. Entire system is broken, with poor or no oversight.”
- “I can only speak for applications in Cornwall but the move to give more power to Parish Councils and Town Councils who have very limited and often incorrect knowledge of planning policy and design issues is causing severe breakdown in the ability of planning applications to be dealt with fairly and promptly, the threat of refusals forcing applicants towards the costly and delayed process of an appeal is common and used as a tool for stopping and frustrating development that should otherwise simply be approved creating a more sustainable economy, improving the existing housing stock and delivering quality housing”.

## Opinions about local housing need

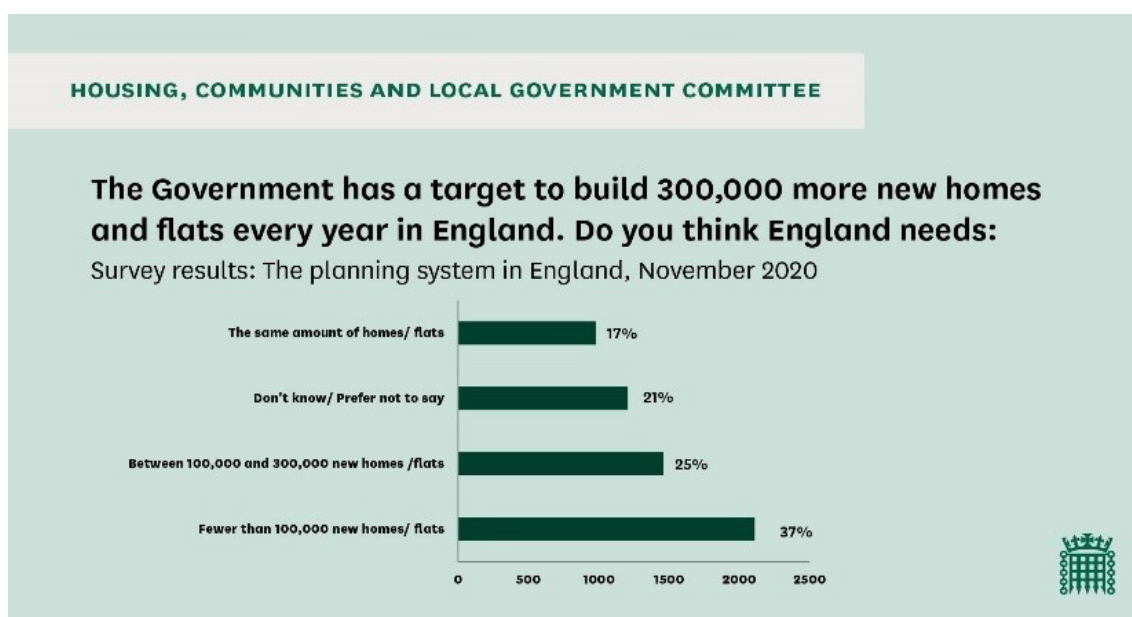
16. The majority of our respondents thought that it was too easy to build houses and flats in their area. This was echoed in responses to our question about how many new homes or flats were needed in their local area. 53% of respondents said their area did not need a

great number of homes and flats. Of those supporting more homes and flats in their area, the preferred option was for a few more properties (36%) rather than lots of additional homes or flats (7%).



## Opinions about national housing need

17. To test whether people thought differently about building nationally than in their local area, we asked about the Government's target of building 300,000 housing units a year in England. This question did elicit greater support – 17% agreed with the Government's target. 21% did not know or preferred not to say. However, 25% preferred to build between 100,000 and 300,000 new homes and flats a year, whilst 37% preferred building fewer than 100,000 new homes and flats a year.



## Government proposals for reform

18. We wanted to know respondents' views on the core principle of the Government's proposed reforms to the planning system. Accordingly, we asked our respondents which system they preferred – a system where every specific planning proposal has to be considered; or system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted; or another system entirely.

- 77% preferred a system where every specific proposal had to be considered. 15% preferred a set of rules and requirements, and 7% opted for another system.

19. There were supporters of the proposed reforms:

- “The presumption should always be in favour of development with an approval being deemed granted by the appropriate determination date for the application type, with only refusals issued where in breach of adopted policies or national guidance.”

20. Other participants proposed similar systems:

- “A system that has specific rules and requirements but each set of criteria would attract a number of “points”. These points could be varied by area but once an applicant has reached a certain threshold the application should be permitted. For example points for design, green credentials, local building style/materials, local occupancy, protection of fauna and flora, local housing need, proven local designs/locations etc. This would remove the subjectivity applied by local planning officers under delegated powers.”
- “Preapproved planning permission provided by government for these who want to build their own house”.

21. Some respondents did approve of the idea of a zoning model, but critiqued the current proposals:

- “A zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled.”
- “Whilst I agree with a set of rules and requirements that could facilitate automatic permission this is too broad a point for me to accept and support without details. These could be onerous or too wide, the devil is in the detail. So, although I support the principle I don't want the Government to think I can be counted as accepting current proposals which I feel are too broad.”

22. Other respondents were more generally critical:

- “As a practicing architect and member of an amenity group I feel that too much government policy is driven by the volume housebuilding lobby whose interests are in pushing forward unsustainable housing provision without proof of need.

We have seen the degradation of both our cities and countryside over the past few years and the powerlessness of the planning system to protect them. The White Paper will simply accelerate this.”

- “The current proposals will remove the opportunity for local people to have their say on, and influence local decisions on a case by case basis. Most ordinary people do not realise what is about to be taken away from them; they won’t understand until a new development is proposed which will impact on them and they find they have no right to comment or object.”
- “The proposal put forward by the government seems to be solving a problem that doesn’t exist. Most plans that get submitted are approved in a timely manner. The housing shortage is not caused by an issue with the planning process but by developers who are sitting on land until they can make a bigger profit.”
- “The proposals don’t seem to be based on actual experience of how the system works. Dividing the country into just three categories of land seems highly simplistic - often different types of land are mixed up with each other.”
- “The need for more homes is understood but automated permission is against democracy”.
- “The government proposals are simplistic and show a misunderstanding of the nature and inherent complexity of development in the UK. The current system, especially plan making, could do with some simplification but needs to be properly resourced and must remain locally democratically accountable.”
- “The problem with a rules and requirements approach is that it is a “one size fits all” approach and unfortunately all places aren’t the same so this will ultimately result in some bad developments taking place. The current “plan led” approach set’s out the rules and requirements to guide developers, but there is still necessary scrutiny to ensure bad developments don’t go ahead.”

23. There was a strong desire to retain—and in some cases expand—the involvement of local people and communities in the planning process:

- “Please do not take away our democratic right to comment on planning applications where we live.”
- “The English planning system takes into account local views that are important for maintaining a community.”
- “The proposed new system will take decision making away from local areas who know what is needed and know the area around them.”
- “It is vital that there is democratic involvement in considering individual planning applications, because the variety of applications and individual situations is so great that attempting instead to lay down detailed guidelines in Local Plans is bound to fail. Also I know from personal experience that most residents will not involve themselves in drafting Local Plans, and only become involved when there is an individual planning application near to their dwelling, or which affects their lives.”

## Ideas for the future of the planning system

### *The importance of local community involvement*

24. The concerns about the loss of local involvement fed into a wish to ensure local communities had a proper say in the system:

- “It is vital that the local community has a voice at every stage of planning from the local plan to individual planning applications. Neighbourhood plans have provided an excellent mechanism for community involvement and nothing must be done to reduce their effectiveness.”
- “Most of my experience is as a district councillor. The system is arcane, impenetrable and lacks transparency. The process needs simplification and more emphasis on localism. The present process of local decision followed by appeal to some random person from elsewhere embeds lack of trust even if the decision itself is fair. We need to build a new system from the ground up with local residents at the heart.”
- “Local communities should have more legal rights in terms of formal objections to a planning approval being given by a local authority, presently they only redress is via judicial review or calling in, both of which are very difficult for small rural communities to utilise.”
- “Planning approval must be kept local where local residents who will be affected by it are able to have their voice heard. Decisions should not be taken in London (or anywhere else) by people who will not be affected by the decision. This is what local democracy should be all about.”

25. This wish for local community involvement in turn linked to a wish to uphold and increase local democratic control of the planning system:

- “Localism is paramount, and to ignore it would be tantamount to riding roughshod over local democracy.”
- “The ideal DEMOCRATIC planning system would give Local ELECTED councillors the decision on where and what to build in their area, and eliminate the intervention by Appeal Inspectors who overrule them.”

26. There were mixed views about local authorities being involved. Most supported their involvement:

- “Local planners should continue to vet ALL proposed development.”
- “It is essential that any new system allows detailed local scrutiny of all new building proposals by local authorities and individuals so as to ensure that all buildings genuinely comply with environmental and energy saving requirements.”

27. However, we were also told that:

- “Controversial decisions would be better made by a small committee of experts representing a balance of interests, rather than rely a single planning officer making recommendations to elected councillors.”
- “Planning committee members should retire after a defined term, lay people should be involved and there should be greater transparency about the members and their spouse’s interests.”

### **Affordable and social housing**

28. Respondents raised the need for affordable and social housing to be delivered through the planning system. Those supporting additional housing often emphasised that all or most of new residences should be affordable and social housing.

- “Planning should favour affordable, publicly sponsored, eco- and nature-friendly family housing.”
- “We need community ownership and community partnerships which deliver well built affordable homes.”
- “Planning on new homes should only be granted if the development actually includes properties that are available at a subsidised rate to local qualifying key workers and teachers.”
- “Ensure that there is social housing and bungalows in all planning permission—this important for elderly people who want to downsize but can’t find suitable accommodation.”
- “New homes should include more social housing.”
- “There is a significant need for social housing in the UK. However this should be balanced with the need to protect the environment. As a result, I believe more housing should be focused in inner city regeneration and brownfield sites.”

### **Infrastructure**

29. Respondents also put considerable emphasis put on the importance of ensuring infrastructure is available:

- “Infrastructure (schools, hospitals, GP surgeries) have to be expanded before any new homes are approved.”
- “Proposals for housing must include details of infrastructure and how this will be increased in line with the increase in housing I.e. schools, doctors.”
- “All buildings that increase population need increase[s] [such as] ... utilities, health, schools, sports and recreational facilities, transport links, roads, sensible traffic & parking solutions as well a good spread of local commercial & retail outlets. Not just fast food, coffee shops, barbers, hairdressers and nail bars.”
- “There need to be levies to ensure mandatory infrastructure is put in place. It should be an integrated part of the planning process that where areas for housing



development are identified local authorities should be responsible for ensuring sufficient land within it [is] protected to build the necessary infrastructure to include as minimum new or extended education and primary care services, and green spaces.”

### *Other proposed reforms to the current system*

30. We heard other suggestions for reform relating to multiple applications on one site, appeals and enforcement:

- “Planning proposals for a given location should always involve serious consideration of earlier submissions that have been made about the same site.”
- “The only thing wrong with the present planning system is that applicants are able to appeal against a decision, whilst those who have objected are not able to do so. Although independence of planning inspectors is essential as is the fact that they do not live/work in the area in which they are asked to assess an appeal, there are questions about the roulette wheel ‘game’ that inspectorate decisions sometimes present to the public. Too many inspectorate decisions appear to not understand local issues.”
- “At present those that will suffer from an approved application have no right of appeal, unlike applicants. That should be addressed.”
- “Enforcement when building [is] not in accordance with planning permission given needs to be strict, especially in conservation or heritage areas, otherwise there is no planning system.”

## Appendix 2: Public engagement event

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### Details of the event

1. On 26 November 2020 we held an online public engagement event with 38 participants. The participants had been chosen drawn from those who had responded to our survey. They were selected to ensure people from a range of ages and ethnicities, living in different types of properties and across the country were involved. We would like to thank everybody who attended.

2. The participants were split into four virtual rooms, with an MP chairing the discussion in three rooms, and a member of committee staff in the fourth. Participants had been notified in advance of the three questions under discussion:

- Do you think that the current planning system is fair? What has been your experience of it?
- What should be the most important concerns for the planning system?
- Currently the majority of specific planning proposals have to be individually considered. The Government has proposed moving to a system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted. Which system do you prefer? Are there different changes that are needed?

3. This appendix summarises the responses to the three questions, drawing on information from all four rooms.

### Discussion

#### *Is the current planning system fair?*

4. There was general agreement that the planning system could be unfair. Some attributed this to fundamental weaknesses and biases. Others emphasised that, since its purpose was to “arbitrate” or seek “reconciliation” between competing, and sometimes incompatible, interests, it could not always avoid being perceived as unfair. Several participants agreed, therefore, that the answer depended on a person’s perspective. One said: “if I make an application and I win, then it is fair, but the local residents who objected to the scheme may not see it as fair.” Others, recognising that the system could not satisfy everyone, thought it was “probably as good as it gets” and that “you’ll never have a perfect system.” It was suggested that those with experience of the planning system imposing large developments on local communities against their will or of struggling to get planning permission for small extensions were more likely to describe it as unfair.

5. Nonetheless, participants raised certain inherent sources of unfairness, with most agreeing that the system was weighted in favour of the large developers—those with “the deepest pockets”—who could “afford to wait and navigate the system”; and against local communities. Wealthy developers, who had access to lawyers and “clever consultants”, could “mitigate” the rules and “lean on local authority planners” to get the result they wanted. In general, participants agreed that the system could “be thwarted and bent

by virtue of the resources of large consultancies". One participant described it as "a financialised nightmare of speculation and profit". Another thought that it had been "skewed by the introduction of a very naked profit process as opposed to community wellbeing". Similarly, many participants thought the planning system too often ignored the views of local communities. As one put it: "Far too often, the immediate area and the people who live there are left out".

6. Most participants identified inconsistent decision-making as perhaps the main cause of unfairness in the system, although there was disagreement on the reasons for this inconsistency. Some thought it was due to the planning system being "too complicated" and too confusing, even for local authorities, and so unavoidably reliant on interpretation by individual planning officers. As one participant said, "it comes down to interpretation, and you often find people disagreeing on the interpretation". A minority blamed the inconsistency on planning officers not being "properly trained" to interpret the rules correctly. Others accused the officers of bias and of paying "insufficient regard" to the views of local people, particularly poorer people. One person, commenting on a planning application they had objected to, said, "I think I was treated differently because I live in social housing and I'm poor".

### ***What should be the most important concerns for the planning system?***

7. Participants disagreed, at least superficially, on whether the priority of the planning system should be to limit or to facilitate house building. However, this was often more a difference of emphasis than principle, with most strongly agreeing it should facilitate "the right development in the right places", as opposed to "wholesale, blanket planning applications" that "completely devastate our landscape". On the definition of "the right housing in the right places", there was considerable agreement. For example, many emphasised the need for development to be accompanied by the right infrastructure, such as transport, schools and hospitals, without which many places could not cope with large increases in population. One participant thought that the "main problem" with the planning system was that "transport, which is often a driver of development, is treated quite separately and often as an add-on". Another said that "sometimes we get developments that don't provide the services to go with the development sizes".

8. Most participants agreed that "full community engagement" and the "ability for local people, through the democratic process, to have a vision for where they live" were essential if the planning system was to deliver the right housing. One participant thought that if communities had a "real role in the planning system" the result would "not be more opposition to development but more and better development". In response, though, some recognised that too much engagement could result in too little certainty around planning decisions and Local Plans. One participant argued for "much more certainty" but acknowledged that more certainty could result in "rigidity" and concluded there was "a difficult balance to be struck between certainty...and flexibility".

9. A significant minority of participants were unequivocal that not enough land was being developed and that planning should be "freed up". One participant thought that "the main concern for the planning system should be to facilitate development" and that it "should be easier to build more things". Several believed society had a responsibility to provide housing for the younger generation and observed that most people objecting to development were older and already owned their own home. Another participant

argued that development should be “demand-led”, not “local authority-led”, as local authorities were only interested in reducing the number of houses being built in their area. A contrasting view was that a demand-led approach would only worsen the issue of infrastructure.

10. In addition to the main debate about how much housing the planning system should encourage, many participants thought that climate change and the environment should be a main concern for the planning system. One participant said it could contribute to the fight against climate change by encouraging housing with low fuel bills, another that it should facilitate renewable energy projects, such as ground-mounted solar installations, on the Green Belt. There was support for genuinely affordable housing; “truly affordable, not the Government’s definition”. Various other concerns were raised: the importance of “holistic planning” and “sustainable development”; making it easier to build on brownfield sites; a more flexible approach to housing targets that takes into account the amount of Green Belt land in an area; making small developments easier; action against land banking; and the “probity of the system”.

11. Finally, several participants wanted the planning system to focus more on the quality of housing, possibly through the application of “decent and consistent design standards”. The status quo had too many “tiny flats” were being built, rather than real homes for people to live in. One participant suggested that “carefully designed” development might arouse less opposition among local communities. Similarly, some participants stressed the importance of access to good-quality green spaces, highlighting the impact on people’s quality of life and mental wellbeing.

### *Will the proposals in the White Paper improve the planning system?*

#### *Zoning*

12. As in the debate about how much development there should be, participants appeared to disagree strongly on the merits of zoning, but often there was only a difference of emphasis. Many cautiously welcomed the idea but were concerned that having only three zones was “too simplistic”. One participant thought zoning “much too blunt an instrument”, though this could have been more a criticism of the number of zones. Others worried that a “simplistic zoning into three types of zone” would not “take enough account of the complexity of the natural world” and that the proposals could result in a “free-for-all” in parts of the country. Some participants, though, were more enthusiastic. One said they were “all for zoning”, a second thought it “the right way to go”, though it probably needed more than three zones. Another welcomed the “degree of certainty” it would bring. One participant came close to summing up the majority opinion when they said: “I don’t think everything needs to be zoned, but I think where you identify broad areas for development, in general the white paper changes are a positive move forward.”

#### *Local Plans*

13. There was some support for having simplified Local Plans. One participant commented: “I think central government’s right, in a way, to think that these big 500-page documents with generic policies, which I’m going to argue one way, or the local authority officer’s going argue the other way, are an absolute waste of time.” More participants

expressed concern, however, that simplified Local Plans would be unable to cope with the complexity of urban areas and that trying “to put something prescriptive in a local plan that will be detailed enough to cope with the variety within the town will be almost impossible”. On the other hand, there was some support for the certainty of a Local Plan, with one participant thinking that “the idea that you can pop an allocation in a local plan and then give it a degree of more certainty to save planning applications would be welcome.”

### *Local engagement*

14. Support for zoning was tempered by concern about what it meant for local engagement. Some participants were very alarmed at the prospect of communities losing the right to contribute to planning decisions beyond the initial plan-making stage. One said: “the loss of the historic community right to involvement” would be an “awful denial of local democracy”. Others warned of the danger that people would feel disenfranchised if they were not engaged at the local plan level and then found they could not object when something was being built. As a result, there was a feeling that the process would need “a lot of local involvement upfront”. Another participant thought the national rules would “be subject to so much criticism in individual cases that really, in a democratic society, those affected by developments should be able to comment on them.” Overall, there was a strong feeling that the “democratic accountability”, whenever it did occur, would need to be “good enough” for people “to accept the outcomes and outputs of the system”.

### *Design codes*

15. On the requirement on local authorities and neighbourhoods to produce design codes, those participants who mentioned it were generally supportive. There was however some concern about a lack of detail and that it could become confusing. One participant wondered if “each local authority will have to develop a design code for each neighbourhood, or each distinctly different place, or area, within the local authority boundaries” and thought that “might be quite a lot of design codes” and that “each design code will need to be pretty detailed”. Another participant wondered if extra resources would be provided to implement the proposals. One person thought the key to making zoning work was having good design codes, though another was critical of the whole idea, saying: “I don’t think there can be any confidence in a system that effectively grants automatic planning permission on the basis of design codes that define beauty for us.”

## Formal minutes

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**Thursday 27 May 2021**

Members present:

Mr Clive Betts, in the Chair

Bob Blackman	Ian Byrne
Florence Eshalomi	Ben Everitt
Rachel Hopkins	Mary Robinson
Mohammad Yasin	

Draft report (*The future of the planning system in England*) proposed by the Chair, brought up and read.

*Ordered*, That the report be read a second time, paragraph by paragraph.

Paragraphs 1 to 232 read and agreed to.

Appendices agreed to.

Summary agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134

[Adjourned until Monday 7 June at 3.30pm]



## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Monday 9 November 2020

**Brian Berry**, Chief Executive, Federation of Master Builders; **Kate Henderson**, Chief Executive, National Housing Federation; **Philip Barnes**, Group Land and Planning Director, Barratt Developments

[Q1–31](#)

**Lisa Fairmaner**, Head of London Plan and Growth Strategies, Greater London Authority; **Andrew Longley**, Head, North Northamptonshire Joint Planning and Delivery Unit

[Q32–62](#)

### Monday 23 November 2020

**Tony Mulhall**, Associate Director, The Royal Institution of Chartered Surveyors (RICS); **Philip Waddy**, Chair of the RIBA Expert Advisory Group on Planning, Royal Institute of British Architects; **Paula Hewitt**, 1st Vice President, ADEPT; **Richard Blyth**, Head of Policy, Royal Town Planning Institute (RTPI)

[Q63–88](#)

**Claire Dutch**, Partner, Co-Head of Planning and Environment, Ashurst LLP; **Nigel Wilson**, Chair, Homes for the North; **Ingrid Samuel**, Historic Environment Director, National Trust; **Steve Quartermain**

[Q89–116](#)

### Monday 7 December 2020

**Rt Hon Christopher Pincher MP**, Minister of State for Housing, Ministry of Housing, Communities and Local Government; **Simon Gallagher**, Director of Planning, Ministry of Housing, Communities and Local Government

[Q117–175](#)

## Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

FPS numbers are generated by the evidence processing system and so may not be complete.

- 1 All Party Parliamentary Group On Alternative Dispute Resolution ([FPS0109](#))
- 2 Abri ([FPS0078](#))
- 3 Accessible Retail ([FPS0053](#))
- 4 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 5 Adam Smith Institute ([FPS0085](#))
- 6 Aldersgate Group ([FPS0120](#))
- 7 Anchor Hanover ([FPS0074](#))
- 8 Anglian Water ([FPS0146](#))
- 9 Ark Data Centres ([FPS0063](#))
- 10 Ashford Borough Council ([FPS0016](#))
- 11 Ashford KALC ([FPS0060](#))
- 12 Association of Convenience Stores ([FPS0069](#))
- 13 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 14 BRE Group ([FPS0042](#))
- 15 Bartlett School of Planning, University College London ([FPS0097](#))
- 16 Bristol City Council ([FPS0119](#))
- 17 British Property Federation ([FPS0127](#))
- 18 Bus Users UK Charitable Trust Ltd ([FPS0026](#))
- 19 Country Land and Business Association ([FPS0049](#))
- 20 Colvin, Andrew ([FPS0020](#))
- 21 CPRE—The Countryside Charity ([FPS0077](#)) and ([FPS0165](#))
- 22 Campaign for National Parks ([FPS0043](#))
- 23 Canal & River Trust ([FPS0048](#))
- 24 Caudwell Children ([FPS0010](#))
- 25 Centre for Ageing Better ([FPS0055](#))
- 26 Centre for Cities ([FPS0144](#))
- 27 Centre for Natural Material Innovation ([FPS0117](#))
- 28 Chartered Institute for Archaeologists (CIfA); Council for British Archaeology (CBA); and Association of Local Government Archaeological Officers (ALGAO:UK) ([FPS0080](#))
- 29 Chartered Institute of Arbitrators ([FPS0099](#))
- 30 City of London Corporation ([FPS0148](#))
- 31 Civic Voice ([FPS0076](#))
- 32 Clean Air in London ([FPS0087](#))
- 33 Clegg, Liam (Lecturer, University of York) ([FPS0019](#))

- 34 Collaborative Mobility UK ([FPS0160](#))
- 35 Commonplace ([FPS0136](#))
- 36 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 37 County Councils Network ([FPS0121](#))
- 38 Crawford, Cllr John ([FPS0008](#))
- 39 Cycling UK ([FPS0123](#))
- 40 Daventry District Council ([FPS0011](#))
- 41 District Councils' Network ([FPS0082](#))
- 42 Eagar, David ([FPS0009](#))
- 43 Elsey, Dennis ([FPS0145](#))
- 44 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; and Emeritus Professor Christine Whitehead ([FPS0164](#))
- 45 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; and Professor Nick Gallent ([FPS0131](#))
- 46 Energy UK ([FPS0105](#))
- 47 England's Economic Heartland (Sub-national Transport Body) ([FPS0062](#))
- 48 Foye, Dr Chris (Knowledge Exchange Associate, UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; and Dr Bilge Serin ([FPS0033](#))
- 49 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))
- 50 GL Hearn ([FPS0141](#))
- 51 Gilyead, Mr Richard ([FPS0022](#))
- 52 Goodstadt, Professor Vincent (Independent Policy Advisor, Vincent Goodstadt) ([FPS0058](#))
- 53 Greater London Authority ([FPS0149](#))
- 54 Hever Parish Council ([FPS0007](#))
- 55 Hills Homes Developments Ltd ([FPS0084](#))
- 56 Historic England ([FPS0092](#))
- 57 Home Builders Federation ([FPS0073](#))
- 58 Homes for the North ([FPS0107](#)) and ([FPS0166](#))
- 59 Homes for the South West ([FPS0070](#))
- 60 Institute of Environmental Management and Assessment ([FPS0168](#))
- 61 Inspired Villages ([FPS0167](#))
- 62 Institute of Historic Building Conservation ([FPS0044](#))
- 63 Institution of Civil Engineers ([FPS0035](#))
- 64 Just Space ([FPS0115](#))
- 65 Kruczkowski, Dr Stefan (Urban Designer and Company Director, Urban Design Doctor Limited) ([FPS0135](#))

- 66 Kent Association of Local Councils ([FPS0028](#))
- 67 LSE London ([FPS0139](#))
- 68 Land Promoters and Developers Federation ([FPS0138](#))
- 69 Lifestory Group ([FPS0116](#))
- 70 Local Government Association ([FPS0056](#))
- 71 Locality ([FPS0086](#))
- 72 London Borough of Hackney ([FPS0091](#))
- 73 London Forum of Amenity & Civic Societies ([FPS0156](#))
- 74 London Gypsies and Travellers ([FPS0067](#))
- 75 London Tenants Federation ([FPS0112](#))
- 76 MCS Charitable Foundation ([FPS0102](#))
- 77 Manor Property Group; and Qdos Education ([FPS0051](#))
- 78 Marshall, Dr Tim (Emeritus Professor of Planning, Oxford Brookes University) ([FPS0079](#))
- 79 McCarthy & Stone ([FPS0061](#))
- 80 Midland Heart ([FPS0152](#))
- 81 Mineral Products Association ([FPS0050](#))
- 82 Morris, Dr Ken ([FPS0001](#))
- 83 National Association of Local Councils ([FPS0021](#))
- 84 National Fire Chiefs Council ([FPS0040](#))
- 85 National Flood Forum ([FPS0126](#))
- 86 National Housing Federation ([FPS0158](#))
- 87 National Organisation of Residents Associations ([FPS0005](#))
- 88 National Trust ([FPS0157](#))
- 89 National Grid ([FPS0088](#))
- 90 Neighbourhood Planners. London ([FPS0032](#))
- 91 Newcastle City Council ([FPS0159](#))
- 92 News Media Association ([FPS0068](#))
- 93 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))
- 94 North Southampton Community Forum ([FPS0018](#))
- 95 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))
- 96 Oneill Homer ([FPS0111](#))
- 97 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))
- 98 Planning Oxfordshire's Environment and Transport Sustainably ([FPS0108](#))
- 99 Paulson, K ([FPS0024](#))
- 100 Peel L&P ([FPS0094](#))
- 101 Place Alliance ([FPS0054](#))
- 102 Pocket Living ([FPS0023](#))

- 103 Policy Connect ([FPS0014](#))
- 104 PortalPlanQuest Limited ([FPS0030](#))
- 105 PricedOut ([FPS0129](#))
- 106 QC, Paul G Tucker ([FPS0153](#))
- 107 QC, Richard Harwood OBE (Joint Head of Chambers, 39 Essex Chambers) ([FPS0059](#))
- 108 Rentplus-UK Ltd ([FPS0047](#))
- 109 Rother Association of Local Councils (RALC) ([FPS0012](#))
- 110 Rother District Council and Burwash: Save our Fields ([FPS0143](#))
- 111 Royal Institution of Chartered Surveyors ([FPS0065](#))
- 112 Royal Town Planning Institute ([FPS0113](#))
- 113 Rush, Robert ([FPS0163](#))
- 114 Rutland County Council ([FPS0071](#))
- 115 Sage Housing ([FPS0090](#))
- 116 Save Greater Manchester Green Belt ([FPS0132](#))
- 117 Savills ([FPS0101](#))
- 118 Scharf, Mr Daniel ([FPS0002](#))
- 119 Shelter ([FPS0154](#))
- 120 Shtebunaev, Mr Simeon (Doctoral Researcher, Birmingham City University) ([FPS0072](#))
- 121 Silverdale Parish Council ([FPS0100](#))
- 122 South Staffordshire Council ([FPS0142](#))
- 123 South Worcestershire Councils ([FPS0015](#))
- 124 Southwark Council ([FPS0110](#))
- 125 Spicer, Mrs Allyson ([FPS0162](#))
- 126 St Albans Civic Society ([FPS0057](#))
- 127 Stevenson, Mark ([FPS0083](#))
- 128 Stonewater ([FPS0103](#))
- 129 Sustrans ([FPS0151](#))
- 130 Town and Country Planning Association ([FPS0034](#))
- 131 Tait, Professor Malcolm (Professor of Planning, University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning, University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning, University of Sheffield); and Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning, University of Sheffield) ([FPS0098](#))
- 132 Tamworth Borough Council ([FPS0013](#))
- 133 Tenterden Town Council ([FPS0003](#))
- 134 The Beaconsfield Society (Civic Society) ([FPS0130](#))
- 135 The Chartered Institute of Building ([FPS0096](#))
- 136 The Federation of Master Builders (FMB) ([FPS0125](#))
- 137 The Heritage Alliance ([FPS0066](#))

- 138 The Highgate Society ([FPS0155](#))
- 139 The Smith Institute ([FPS0038](#))
- 140 Transport Planning Society ([FPS0039](#))
- 141 UK Women's Budget Group ([FPS0025](#))
- 142 UK2070 Commission ([FPS0128](#))
- 143 Urban Mobility Partnership ([FPS0122](#))
- 144 Urban Vision Enterprise CIC; and D2H Land Planning Development ([FPS0037](#))
- 145 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 146 Water UK ([FPS0140](#))
- 147 Wenban-Smith, Alan (Proprieto , Urban & Regional Policy) ([FPS0124](#))
- 148 Wildlife & Countryside Link (Link) ([FPS0075](#))
- 149 Wood, Cllr Andrew (Canary Wharf ward Councillor, LB Tower Hamlets) ([FPS0137](#))
- 150 Woodland Trust ([FPS0045](#))
- 151 World Heritage UK ([FPS0046](#))
- 152 YIMBY Alliance; London YIMBY; Oxford YIMBY; Brighton YIMBY; PricedOut; and Cambridge YIMBY ([FPS0017](#))



# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

## Session 2019–21

Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting the homeless and the private rented sector: MHCLG's response to Covid-19	HC 1329
7th	Cladding Remediation—Follow-up	HC 1249

## Session 2021–22

Number	Title	Reference
1st	The future of the planning system in England	HC 38