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The Rt. Hon. Robert Jenrick, MP  
Secretary of State for HCLG,  
Planning for the Future Consultation  
Planning Directorate  
3<sup>rd</sup> Floor, Fry Building,  
2 Marsham Street  
London, SW1P 4DF

28<sup>th</sup> October 2020

Also sent via email to: [planningforthefuture@communities.gov.uk](mailto:planningforthefuture@communities.gov.uk)

Dear Secretary of State,

### **Planning for the Future Consultation**

We thank you for the opportunity to respond to the above consultation which we are submitting on behalf of the Thames Valley Chamber of Commerce (TVCC) – an organisation.

The TVCC is the only accredited Chamber covering the Thames Valley (Berkshire, Buckinghamshire and Oxfordshire) and Swindon areas with 4000+ businesses in membership. These members include the full range of companies from start-ups and high growth innovators to large corporates and multi-national organisations.

We have many businesses operating across the broadest aspects of the planning and development field, including planning consultants, commercial property agents, legal practices, social enterprises, transport operators and landowners as well as individual businesses with an interest in this consultation – collectively a considerable exposure to the UK planning system. We have drawn upon their comments in helping us to formulate and shape our response, in the following pages, to you and on behalf of our wider membership. Please note we do not comment on all proposals or questions.

It is our belief that the planning system should be as cherished and central to the economic, environmental and societal health of the country as the NHS. Given that the country faces significant threats, considerable economic challenges and a housing deficiency on a similar basis to the post-war period, it remains central to the future of the country, our ambition to Restart, Rebuild and Renew the economy, and our well-being. We commend our consultation response to you.

Moving forward ('What Happens Next'), we welcome the opportunity to remain engaged with your Department to increase access and engagement to all – in our case – business groups. We have previously welcomed representatives from Government (including Ministers and senior civil servants) to the many events and forums we hold throughout the calendar year.

On behalf of the Thames Valley Chamber of Commerce and our membership.

Yours sincerely,

A handwritten signature in black ink, reading "Paul Britton". The signature is written in a cursive style with a long horizontal line underneath.

**Paul Britton**

**Chief Executive**

## Planning for the Future Consultation

### A. General Comments (GC)

There is no doubt that planning is, and should remain, an essential tool for managing development and the land upon which it takes place to help create good – no, excellent - places and provide a forum for mediation between private and public interests. The key role of planning remains in finding the right balance between competing aims and objectives – economic, social and environmental – to provide sustainable development and deal with the challenge of climate change.

**GC 1** – Over many years there have been repeated inferences in Government communications that developers are "a problem". This has been argued on various grounds from viability and the suggestion of excessive profiteering to land-banking and build quality.

Indeed, it has not just been housing developers under scrutiny. Landowners, local authorities and the level of negative public engagement have all been identified to a greater or lesser degree. It is notable that there has not been a report commissioned to look at the problem of national and local politics on the planning system which has been a political football for too long. All stakeholders have a positive role to play.

**GC 2** – The complexity of the planning system and decades of political changes should be recognised<sup>1</sup>. The planning system seeks to balance several inherent conflicts such as private against public interests and, since 2008, austerity and reduced funding against better performance. This paper now introduces another. Through increased rules based centralisation the White Paper threatens to move away from democracy, as the changes may deny the opportunity for communities to have their say at the time development is proposed. It also threatens to cut opportunities for timely accountability and oversight, which inevitably puts the pressure on getting it right *first time*.

**GC 3** - It is also important not to fail to learn from lessons of the past. For example, the local policy-based system was radically overhauled in 2004 and reversed to some degree subsequently but to this day, up-to-date adopted plans remain problematic for many local planning authorities, given the plethora of policy changes. Such radical regular shifts must be comprehensively planned, robustly resourced and sympathetically supported thereafter to allow planning authorities to deal with such changes efficiently. These examples should be a warning against rushing into sweeping change, when most people distrust change. This warning is especially relevant, as a central goal of the White Paper is to increase trust in the planning system<sup>2</sup>.

**GC 4** – Further transparency, engagement and efficiency by "a radical" digital approach inevitably threatens to disenfranchise a still large proportion of the public. The move to digitisation will not dampen a vocal minority which, due to the low level of political engagement and understanding across the UK, leads to many political candidates running on antidevelopment tickets.

**GC 5** – There is a continued allegation that the planning system is not successful and is painted often as the main, if not sole, reason development is stifled. This is untrue. The Local Government Association has suggested that most planning applications are approved and there are currently more than a million homes with planning permission.

This position was reflected in April 2020 during a Landmark Chambers virtual event which relied on an assessment of housing decision and planning appeal trends. This found a very high proportion of housing applications are granted and that it is harder to obtain planning permissions on appeal than previously. This suggests the planning reforms inceptioned since 2008 have been working well to deliver vastly more units since 2008.

**GC 6** – On zoning and deregulation generally, other examples of planning deregulation at home and abroad have not been the *silver bullet* the Government may wish its proposals to be.

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<sup>1</sup> For example, the main pieces of planning primary legislation are from 1990, 1991, 2004, three in 2008, 2011, 2013, 2015 and 2016 which form part of at least 34 pieces of primary legislation that impact planning, not including all statutory instruments and additionally, Government policy was consolidated into the National Planning Policy Framework in 2012 which was updated in 2018 and 2019.

<sup>2</sup> And there have been some interesting foundation reports that reflect on rethinking the future of planning in the 21<sup>st</sup> century – see for example: <https://policyexchange.org.uk/wp-content/uploads/Rethinking-the-Planning-System-for-the-21st-Century.pdf>

Enterprise Zones in the early 1980s were revived as recently as 2011<sup>3</sup> with new Government funding, but their effectiveness is far from proved<sup>4</sup> and arguably rests on other more important benefits for businesses such as reduced tax liabilities and the provision of specific key IT infrastructure rather than reduced planning requirements. What appears to have worked very well, locally, is the use of a Simplified Planning Zone<sup>5</sup> (SPZ) that applies across most of Slough Trading Estate and has evidentially facilitated and delivered timely development.

Although the SPZ concept has been around since the 1970s<sup>6</sup>, the idea has never really taken off, and there are very few SPZs in the UK. Why has this been the case? We would encourage a review of this tool and renewed consideration (within the new planning system and amongst local authorities) as a potential and effective tool for enabling development.

Planning deregulation in the late 1990s (e.g. in Ireland and Spain) led to thousands of homes being built in inappropriate and isolated locations that remain empty to this day. Zonal planning systems also exist in the US and Germany. Embracing such a system means that the inherent very early allocation of land in any zone assumes absolute predominance and must address everything a future developer might propose because there is no or little subsequent safeguard. This links back to GC 2 - a move away from democracy. The results of zoning are often insensitive and rudimentary, thereby threatening a dichotomy with some of the White Paper's objectives. The planning system should be an enabler for the creation of balanced, mixed, inclusive, diverse and healthy communities. Whilst zonal planning can assist in this core societal objective, it can also do much to detract from it<sup>7</sup>. A zonal system does not guarantee increased simplification and reduced complexity<sup>8</sup>.

Alternatively, German zoning promotes mixed use and inclusive communities. However, this necessitates detailed frameworks (far more detailed than either the National Planning Policy Framework (NPPF) or Local Plans) with regions and local authorities retaining powers for localised rules. The scale of advanced master planning is enormous to provide the certainty developers and the economy need. Given the struggle planning authorities have in maintaining Local Plans, this burden will exponentially increase on them.

**GC 7** - We also note that the simplified provisions of the NPPF and the subsequent Planning Practice Guidance notes have been, but cannot be assumed to continue to be a success. This is because zoning threatens to spawn extensive documentation<sup>8</sup>, necessary because of its absolute predominance (as mentioned above at GC 6) and the need to pre-empt the majority, if not all issues.

#### **GC 8 - The importance of public transport provision in delivering Government priorities**

We do recognise the Government's ambition as positive and well placed and a number of the objectives are particularly important. It is vital that the planning system in England promotes the importance of public transport provision – in particular buses and coaches - in both new and existing developments - and access to rail services, to support the Government's economic, social inclusion and environmental goals (including net zero ambitions). This should be a principle objective of the national planning framework which filters down to regional and local levels.

**GC 9** – In relation to Pillar 3 (Planning for infrastructure and connected places), the Government recognised the important role of public transport in delivering its decarbonisation agenda in its framework document for the National Transport Decarbonisation Strategy<sup>9</sup> which states, inter alia, "*Public transport and active travel will be the natural first choice for our daily activities. We will use our cars less and be able to rely on a convenient, cost-effective and coherent public transport network.*" National Planning Policy and Guidance needs to facilitate this by making the provision of public transport and active travel infrastructure a requirement of future Local Plans and developments.

<sup>3</sup> Including in region examples such as [Aylesbury Vale](#), Science Vale (now lapsed) and [Didcot Accelerator](#).

<sup>4</sup> <https://www.centreforcities.org/publication/in-the-zone-have-enterprise-zones-delivered-the-jobs-they-promised/>

<sup>5</sup> <http://www.slough.gov.uk/business/planning-and-building-control/simplified-planning-zone-spz-2014-2024.aspx>

<sup>6</sup> The [Housing and Planning Act 1986](#) amended the Town and Country Planning Act 1971 to empower local authorities to make SPZ schemes. Such a scheme provides planning permission within the area covered by the scheme for development in accordance with the scheme without the need for specific application.

<sup>7</sup> For example, many of American cities' segregated zoning policies have resulted in sub-categories and high levels of exclusion policies. This creates non-inclusive, unmixed and unbalanced segregated communities which has enhanced wider deep rooted societal and cultural issues.

<sup>8</sup> New York City's zoning ordinances are set out in the 4,000+ page long Zoning Resolution at: <https://zr.planning.nyc.gov/>. see also Chicago: <https://www.chicago.gov/city/en/depts/dcd/provdrs/admin.html>.

<sup>9</sup> <https://www.gov.uk/government/publications/creating-the-transport-decarbonisation-plan> - published March 2020.

By way of additional comments, we draw your attention and invite you to refer to the Chamber's response to the Government's consultation on: [Decarbonising Transport Setting the Challenge – Creating a Plan for Decarbonising Transport](#), submitted in August 2020.<sup>10</sup>

**GC 10** – On the broader aspects of mental health and well-being, we should actively encourage, through the new vision for our planning system, higher levels of active travel and accessibility to public transport modes (bus, coach, rail and cycle) that can and will help to secure health and well-being benefits. Public transport, such as buses, coaches and rail are also crucial to the Government's 'levelling up' agenda. Effective and relevant networks and services remain key to securing increases in productivity and social inclusion across localities. The planning system has the capacity to have a significant 'enabling' role in ensuring a substantial mode shift to bus, coach and rail - alongside walking and cycling – to unlocking a healthy, carbon-free travel transformation across England.

**GC 11** - Is there a disproportionate focus on housing and housebuilding, without consideration of wider economic needs / impact?

We believe other Government departments, such as BEIS and DIT, need to have direct input and help facilitate a wider consideration of non-domestic housing issues that deliver wider Government priorities (see Industrial Strategy for example), Local Industrial Strategies and productivity growth. For example, how will the planning system foster and encourage greater foreign direct investment and take into broader consideration the economic conditions of UK plc, especially as we exit the EU and look towards a post Brexit, post COVID-19 recovery. Planning for economic development (industrial and commercial space, development and growth) needs a stronger presence in planning for the future and any new planning system. We draw your attention to, for example, our comments on the Creative Industries (below) and the call for a change in the current Use Classes Order designation (and the speed/ability of the planning system to currently respond to such a sector) and 'barriers' to the provision of (in this instance UK film/TV) studio space.

## B. Specific Responses

### A new vision for England's planning system and Specific Responses

- We would support many of these aims in principle which we recognise as important to our TVCC members. In particular, the concept of supporting economic growth and ensuring a planning system is focused on '*planning* for economic development'. This will be critical as we exit the EU and as we shape an economy focused on '[Restart, Rebuild, Renew](#)' (post COVID-19) whilst also promoting environmental assets that should be recognised as having inherent value too and which offer opportunities to enhance the economy further and promote an increasingly sustainable circular economy.
- We are unsure how the goal of simplifying the role for Local Plans can sit comfortably with the proposed change in their focus from setting general policies to setting out clear rules.

Given that such general policies have to undergo extensive evidential collation, assessment and verification in order to arrive at robustly made Local Plans, the proposed requirement for clear rules is likely to require even greater levels of detailed assessment in order that such Local Plans remain relevant throughout the plan period to support sustainable development.

Therefore, we remain deeply sceptical about the creation of a statutory timetable of no more than 30 months for the adoption of these new Local Plans. Statutory timetables have been set by previous Governments and failed<sup>11</sup>.

<sup>10</sup> [https://www.thamesvalleychamber.co.uk/wp-content/uploads/2020/09/28-08-2020\\_Decarbonising-Transport\\_TVCC-response\\_final.pdf](https://www.thamesvalleychamber.co.uk/wp-content/uploads/2020/09/28-08-2020_Decarbonising-Transport_TVCC-response_final.pdf)

<sup>11</sup> For example, for Local Development Frameworks and new Core Strategies introduced in 2004. We understand that many planning authorities had failed to implement these changes (by 2007-8) which spawned the need for 'saved policies' which further complicated the planning policy landscape.

- We welcome support for planning authorities' improved and standardised use of digital tools and platforms to support the engagement process for Local Plans and decision-making (see also comments on planning enforcement).

However this level of support, in terms of funding and knowledge dissemination, will have to be considerable and not overwhelm some authorities' already creaking IT infrastructure. We therefore support the sentiment that the Government will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of any reforms.

Any reliance on IT must be based on user-friendliness, intuition and real-time responsiveness.

- We would be concerned over the key issue and question - who is the arbiter of beauty? This must sit at local level and not with a chief officer for design and placemaking. If beauty is in the eye of the beholder, who develops these design codes, what are their credentials, who sets placemaking parameters and who judges if a proposal meets the criteria?

It is a concept dripping with subjectivity and with subjectivity follows argument and legal challenge. Given what people perceive as beauty is so wide, broad design palettes must be retained to ensure the preferences of individuals and communities are not unduly fettered, which would ultimately represent de-democratisation.

A distinction is made between "genuine community involvement" rather than "meaningless consultation". Our experience is that significant amounts of good community engagement are already undertaken by clients and their professional consultants at local and neighbourhood level. It will only ever be as fruitful as communities' own willingness to engage.

The framework for assessing environmental impacts is currently robust and should not be simplified to the extent that it undermines the Government's ambitions for a green economy, supporting the fight against climate change driven threats, the green economy, and biodiversity and environmental net gain.

- How would other non-financial mitigations be secured? S.106 is the best mechanism for these, including identifying affordable housing tenure mixes and mortgagee provisions, management company matters, construction employment requirements, environmental mitigations (via Suitable Alternative Natural Greenspaces<sup>12</sup> [SANGs]) or nitrates mitigations), parking permit restrictions, etc – the list is potentially extensive.

Developers would expect their contributions to be used on the same or a similar basis as justified for the purpose of the original payment.

- Additional proposed changes to the Use Classes Order. We reference below the most recent changes<sup>13</sup> to the Order (Class E) and its potential impact.

We invite you to consider the following changes to the Order in regard the future of the UK Film industry and providing, specifically, for studio infrastructure.

<sup>12</sup> See example from Bracknell Forest Council: [https://www.bracknell-forest.gov.uk/parks-and-countryside/suitable-alternative-natural-greenspaces#:~:text=Suitable%20Alternative%20Natural%20Greenspaces%20\(SANGs,that%20we%20can%20preserve%20them.](https://www.bracknell-forest.gov.uk/parks-and-countryside/suitable-alternative-natural-greenspaces#:~:text=Suitable%20Alternative%20Natural%20Greenspaces%20(SANGs,that%20we%20can%20preserve%20them.)

<sup>13</sup> Changes to Use Classes from 1<sup>st</sup> September 2020 - see: [https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

Noting the creative industries sector is an evidential UK strength and one vital to our economic recovery (post-COVID-19) – film related industries contributed over £13 billion to the UK-economy. Further, given the fact that the majority of large-scale investment is coming from the United States, we anticipate this being relevant to our post Brexit economic well-being and in our position of negotiating a successful US-UK trade deal.

Estimates suggest that the UK requires up to 1.9 million sq ft of new film studio space. We understand that whilst production does, naturally, take place across the UK, demand is skewed towards a preference for the South East and hence its relevance to the Thames Valley. Consider also:

- Competition from alternative land uses for the size of premises needed is a major factor. Have we the scale of sites currently available (or identified) to meet this demand?
- Studio development can take two potential formats – new purpose (design and build) on brownfield or greenfield sites or conversion (e.g. the repurposing of old industrial stock for filming use). The current planning system / law has very different implications on new build and conversion projects.
- There are a number of planning barriers that are restricting the UK's capacity, including: (i) 'Speed': the nature of the commissioning process for productions is such that lead times are (often very) short. The planning system is inherently unable to respond to such short timeframes; (ii) availability of suitable sites (and their scale); (iii) existing competition from other industrial users (also unable to compete with land values).
- Potential solutions: (i) wholesale planning policy change which this White Paper affords; (ii) On conversions of old industrial stock, conversion to studio/film space should be considered within existing industrial uses and not through a change of use (from Sui Generis to the B2/B8 use class); (iii) Government's active intervention to bring forward and assemble suitable sites (akin to Homes England approach) and re-market; (iv) rolling-out the lessons learnt from [Dagenham Studio](#) to other local authority led studio regeneration schemes.

## **Pillar 1: Planning for development (page 26 onwards)**

Question 1: Politicised, Under-resourced, and Flexible.

Question 2 (a): Yes.

Question 3: All methods of communication should be used in an inclusive society.

Question 4: (i) Supporting the local economy that attracts greater volume/value of inward (including) foreign direct investment and retains the international talent pool of highly skilled labour; (ii) Increasing the affordability of housing; (iii) The environment, biodiversity and action on climate change (a more sustainable low carbon future) to improve the quality of lives - linked explicitly to securing resilient (physical and digital) infrastructure networks.

## **Proposal 1: The role of land use plans should be simplified**

Given the planning system is applicable to a varied and extensive geographical area, a concept such as "substantial development" to be set in law could be clumsy and lead to inappropriate development. What the parameters would be to define this are unclear. The planning system already distinguishes minor and major development.

The types of appropriate development from one location to another may differ considerably.

For this reason, any such definition would have to be broad to allow flexibility.

Sites of the scale suggested for Growth areas are already likely to be identified as strategically allocated in existing Local Plans.



It is unclear to us what value these broad categorisations would add in practice to the existing mechanisms in order to further the Government's objectives and ensure an efficient, effective planning system in operational terms.

The promise of complexity is already acknowledged using phrases such as "*suitable development uses*" and "*sub-areas within each category*".

Reference is also made to the new Use Classes Order which has allowed greater flexibilities between uses. The changes therein, particularly in relation to the Class E, may quickly lead to an uncontrolled destabilisation of town centres and high streets and to a geographical incoherence of uses and developments that planning authorities will struggle to control. Post COVID-19, is this really what we want a planning system to be doing?

In our opinion, the removal of a regional planning system, to provide a coherent policy linkage between national and local aspirations and deliver regionally required infrastructure, has had a detrimental effect on delivering development (including infrastructure).

The rationale and the reason for the introduction of Permissions in Principle (PIPs), and their application to brownfield and small sites, is broadly welcomed, especially in attempts to reduce bureaucracy, cut 'red tape' and speed up the planning process. We think further thought and consideration needs to be given to the pros and cons of extending PIPs to large sites.

To overcome the complexities of outline planning applications, we would anticipate there is an attraction to the concept of extending PIPs to sites of up to 150 dwellings. However, we would hope and anticipate that there will be few circumstances where a larger site could make progress, or be granted consent, without some pre-application discussion and basic provisions being resolved. Nor would sites be, we assume, bought forward by landowners without some degree of certainty about technical feasibility and freedom from constraints to achieve delivery.

Question 5: No.

### **Proposal 2: Development management policies established at national scale**

If the NPPF were to become the primary source of policies for development management, it is likely to burgeon into an unwieldy document and represent a reversion to the level of planning policy statement documentation abolished by the NPPF and NPPG.

The continued reliance on Neighbourhood Plans to form a fundamental part of Local Policy continues to assume all neighbourhoods are engaged, able and resourced enough to want a Neighbourhood Plan. Achieving effective public engagement and, crucially, input into plan-making where the key decisions are to be made will remain a big challenge.

The suggestion that design guides and codes may be supplementary planning documents (SPDs) would not sit well with the fact that design and beauty is a core theme of the White Paper and yet the adoption of such SPDs requires less engagement and consultation than Local Policy.

The development management processes outlined indicate a much-reduced opportunity for local involvement in the detail. We consider this a significant shift in the planning process as most public/community engagement only really occurs when confronted by a specific planning application. The suggestion is that provided proposals can demonstrate compliance with the national and local policy framework they will progress rapidly to detailed approval with only limited scope for public input. Is this correct or are we creating greater exclusion in the development planning process and planning system?

### **Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test.**

Any new-style digital Local Plan to help local planning authorities to engage with strategic cross-boundary issues should assist the continued requirement to co-operate.

A digital database will not be sufficient enough to coherently deliver regional cross boundary infrastructure in the absence of regionalised policies. In the continued absence of a regional framework and the removal of the Duty to Co-operate, the increased



possibility of a failure to provide appropriate infrastructure planning means that sites may not be included in Local Plans where there is no reasonable prospect of any infrastructure coming forward within the plan period.

The issues with the timely delivery of regional infrastructure and which stakeholder is best placed to deliver this remain critical for all stakeholders.

We would not support the removal of the Duty to Co-operate unless clearer proposals about alternative joint regional planning arrangements are explored, especially in areas that are not devolving or consolidating as combined authorities.

Question 7 (a): In principle, we welcome any proposal to simplify the assessments and tests required during plan preparation.

Question 7(b): Without further detail in the White Paper (Question 7b), it is challenging to provide comment on the merits of removing the Duty to Co-operate test, but we welcome the acknowledgement that further consideration will be given to how strategic cross-boundary issues, such as major infrastructure projects like the Western Rail Link to London Heathrow (see below), can best be planned for and delivered.

It would be reasonable to expect cross-boundary collaboration (and engagement with a wide range of stakeholders and interests – including the business community) on strategic projects of this nature, and others of its type, to naturally happen during plan preparation without the requirement for a national level intervention. However, this is sometimes not the case in practice. Such collaboration can only be a good thing in terms of effective spatial planning. There would be detrimental impacts for successful planning and infrastructure delivery if this were not the case.

#### **Proposal 5: Areas Identified as Growth areas would automatically be granted outline planning permission**

We are unclear what exactly would be granted for Growth areas.

Permission in principle (PiP) already exists as a type of consent distinct from outline planning permission (OPP), both of which establish the principle of development. PiP is arguably "OPP-Lite" without reserved matters.

If the principle of development is to be granted through Local Plan designation, the details of such development in principle would remain, to be determined in much the same way as envisaged by 'detailed consent' under the PiP regime.

How that then generates efficiency if most of the detail remains to be considered is far from clear, unless of course that detail is covered in the new Local Plans / extended NPPF.

Generally, the suggestions in this proposal indicate an even more complicated and nuanced system of consenting by distinguishing development principle and detail and suggesting details may be consented through a mix of order making processes, express applications, prior approvals or reformed existing concepts (such as reserved matters).

#### **Proposal 6: Decision-making should be faster and more certain**

A greater use of digital technology is unlikely to deliver faster decision making in light of the myriad of possibilities set out in Proposal 5.

We note the determination for timeframes being made fixed, but it fails to understand that the need for flexibility in the system is inherently commercial and beneficial to business and society because matters that arise are not always in the control of planning. Such matters range from development specific reasons (funding, death of a stakeholder, unexpected site or deal specific issues arising) to national and global influences (2008 economic crash, Brexit, COVID-19, consequences of climate change, etc).

Application documentation can be extensive and detailed; however, it is important for all those wishing to be involved in the process to be able to have their say and understand the proposals so far as they wish.

Unfortunately, clarity is not always achieved by reduced simplified information, but is enhanced by details being comprehensively set out. This does not sit comfortably with modern messaging of soundbites and spin in an increasingly time-poor society. However, it does uphold integrity. Putting an arbitrary limit on documentation sizes is crude.

Taking the example of environmental impact assessments, perhaps a requirement for a non-technical planning summary (NTPS) should be considered to enable those that wish to understand the proposals and issues to engage quickly. This could be a validation requirement.

The NTPS would then act as a "gateway document" to allow any stakeholder the ability to navigate the detail that is relevant to them if they choose to do so. This would support a degree of standardisation of documentation. All those wishing to participate in the planning system must retain their ability to engage to the level they wish to do so, thereby retaining responsibility for their own level of interest and analysis.

We note the reference to a faster appeals process. Our experience is that out of all centralised parts of the planning system PINS responded the most slowly and the least flexibly of all in response to COVID-19. The court system and many planning authorities, however, responded admirably well. PINS should remain a key area for the Government to focus resources upon, to enable easy win efficiencies.

#### **Proposal 7: Local Plans should be visual and map based.**

We welcome proposals for the digitisation of Local Plans and mapping if it is likely to improve the consistency of material across local authorities, especially when dealing with cross boundary issues and projects of strategic importance. We would also strongly support a more open and accessible approach to the availability of the evidence base and data produced to support local preparation, although we would anticipate developers welcoming the scale of the evidence base would reduce with the proposed reforms.

However, digitisation should be aspirational but proportionate to avoid overpromising and under-delivering, considering the IT infrastructure robustness of local authorities is variable (see our comments on under-funding of local planning authorities).

It is also important not to undermine the ability of any member of any community to engage in the planning process and disenfranchise them.

We agree that the engagement of the younger demographic of society is vitally important in order to reflect society's view better. Those that engage with the planning system are traditionally of the older demographic, have more to lose and therefore skew planning engagement more towards the negative rather than the positive. This is not the fault of the planning system but a product of human nature.

#### **Proposal 8: Statutory Timetables for key stages**

We support faster timescales for Local Plan preparation that would result in more up to date plans and greater certainty around proposals. Local Plans need to be and remain responsive and relevant.

However, the proposed 30-month timeframe is, in our view, unrealistic unless a monumental step-change in the level in funding to local authorities is made to invest in more resources (including staff and staff training – e.g. Apprenticeships) and digital technology. Without the ability to deliver sanctions this will be meaningless to authorities.

Inspectors with powers to make binding amendments following examination must be supported by a transparent system requiring the publication of the draft decision to allow for scrutiny and clear errors/omissions to be flagged and corrected prior to adoption. This would not allow for any re-examination, simply a legal audit for consistency purposes to reduce the chances of challenge to an adopted plan later.

We would not support removing the examination stage entirely. The existing system works and should simply be further improved and streamlined using principles established by the NSIP process. We feel this stage is necessary to ensure that plans have been properly prepared.

#### **Proposal 10: Build out through planning**

We support, in principle, the concept of speeding up ‘*build out*’ but note this is often not possible due to several complicating factors that sit outside the planning system.

Examples include health and site safety requirements which, on some sites, make multiple phase build out impossible, and on multiphase developments which often require particular infrastructure delivery in order to enable later phases (but the funding for or delivery of such is not possible early on).

Question 14: Yes, in principle.

#### **Pillar 2: Planning for beautiful places (page 44 onwards)**

##### **Proposal 11: To make design expectations more visual and predictable**

We support the principle of better design and welcome proposals for improving production and use of design guides and codes.

However, we do not support the concept of better design via centralised parameters. National guidance in the form of the National Design Guide, the National Model Design Code and the revised Manual for Streets "to make design expectations more... predictable" threatens the homogenisation of the built environment.

Design is meant to take its influences from the past, recognise and maintain the best of the past and challenge in order to continue to innovate the present and future. Design is for everyone and not to be something caged within the parameters of a framework. Any such guides need to be very wide to allow the creative expression and individualised place-making of communities to ensure local identities remain in order to maintain the many distinct environments and townscapes of the country. The planning system should never usurp the genius loci of a place. Lessons should be taken from our neighbours in Scandinavia and The Netherlands in particular.

Question 17: In general, yes, but reflecting our comments below and ensuring ‘others’ (including other Government departments) need to input into these codes.

##### **Proposal 12: Transition to a planning system which is more visual and rooted in local preferences and character**

Question 18: We support proposals to increase the capacity and capability of local planning authorities – reflecting that past cuts in local government funding have hit local planning departments hard with an over emphasis (and reliance) on performance statistics and not enough attention to time allowed to deliver and ensure quality decision-making, as well as quality design. Our planning system isn’t, and should never be seen as, an administrative profession.

Any new body should be made up of an equal number of representatives from the professions of landscape architecture, architecture, urban design, ecology and heritage as well as planning *and development*. No one profession should have precedence or dominate (the others). We need to ensure systems encourage collaboration and equity and nurture the skills, knowledge, experience and other qualities that are so important in shaping our communities and environment.

We need to ensure a place for communities and a neighbourhood voice. The future should be focussing on green assets, biodiversity and sustainability thrusting to the fore, for example, with landscape architects, planners and ecologists leading with a more holistic view of developments. This promises the creation of a new core industry for the UK to lead the world in and will be essential our post-Brexit status.

#### **Proposal 14: A fast-track for beauty**

We would be concerned with any system that has the objective of creating "popular and replicable forms of development to be approved easily and quickly. This may support "gentle intensification" but it would also create developments with no sense of place, reflecting how our town centres have been overrun by the same retailers, brands and logos across the country. The Government should be particularly alive to the creep of homogenisation. Fast tracking beauty does not necessarily "incentivise and accelerate high quality development".

You cannot codify something that is inherently subjective and personal and expect localised identity to remain.

Question 20: No. This is an extremely subjective and the 'devil will be in the detail'. Why not consider fast tracking for NEED based on housing, economic and business data?

#### **Proposal 15: Amendments to NPPF to target a reformed planning system**

We wholeheartedly agree with this objective.

#### **Proposal 16: Environmental Impact Assessment (EIA)**

EIA and Strategic Environmental Assessment should remain as a core requirement of the planning system. Any attempt to dilute those requirements and diverge from the considerable benefits of those processes should be resisted. We must be cognisant of the fact that there are greater priorities than pure-development or nationalist centric objectives. These invariably relate to the environment, species and habitats that do not recognise boundaries.

#### **Proposal 17: Conserving and Enhancing our Historic Buildings and Areas**

We have a duty of care to our children and our grandchildren to preserve and enhance the unique heritage that is the UK. Recognising the need to converse doesn't necessarily mean 'no development', change and an evolving urban fabric to converse the areas we are seeking to protect, we wholeheartedly agree with this objective.

#### **Proposal 18: Ambitious improvements in the energy efficiency standards for buildings.**

We wholeheartedly agree with this objective and challenge the Department to establish world-leading standards and draw on near neighbours<sup>14</sup> who are internationally renowned for setting and achieving improvements against standards. To achieve this through the introduction of the Future Homes Standard, which is intended to ensure that no new home will require expensive retrofitting, is welcome. Further, what the COVID-19 pandemic has shown, is a wider awareness of the issues and challenges of delivering net-zero (by 2050) and above all a new energy and appetite to deliver (not pay lip service).

### **Pillar 3: Planning for infrastructure and connected places (page 62 onwards)**

Question 21: We welcome a system that fosters and encourages balanced and sustainable development. This includes more / better infrastructure to support sustainable communities and economic growth – which is planning for economic development. This will include consideration to:

- Improving the economic and cultural quality of life for residents and the wider region – will a building increase the economic profile of the area and thereby increase access to work, opportunities etc.

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<sup>14</sup> See for example the Netherlands (<https://www.gbpn.org/databases-tools/rp-detail-pages/netherlands>) and slightly dated but an interesting reference / research document (<https://www.ihs.nl/en/media/2017-11-reportoneuexperiencesofbuildingcodes>)

- More affordable housing - but a genuine system that provides and retains affordable housing for local people – e.g. part rent, part buy for statutory keyworkers (including teachers) and existing renting residents.
- More or better infrastructure (e.g. transport, schools, health provision) – with a focus on accessible and affordable and integrated and resilient infrastructure networks.
- Design of new buildings - aesthetics are important – but brutalist design is as beautiful and important as modern aluminium or *rural thatch* – balance required to ensure cultural identity.
- Building in quality (design, construction materials, etc) from the outset with sustainable goals at the heart of proposals. Have the confidence, and set-up the systems, to enable refusals for proposals that do not meet the 'world-class' ambitions that we are seeking to deliver.

### Proposal 19: Community Infrastructure Levy (CIL)

In our opinion, any new CIL needs to capture sufficient value to support greater investment key infrastructure services, including bus, coach, rail and cycling provision, and a certain amount should be 'ring fenced' for this. Furthermore, anyone taking forward a development over a certain size should be required to partner with, for example, a local bus operator, to demonstrate how it will deliver actual improvements to services.

It is proposed that developer provision of affordable housing can be offset against the CIL. There could be a similar provision for public transport infrastructure so that developers can offset CIL liabilities where they are investing in specific public transport measures that truly mitigate development impacts. This should, especially, be the case where these have broader positive off-site impacts in the corridor concerned such as improved frequencies, connectivity or better evening/Sunday service provision.

It is vital that the Government is clear by whom and on what basis the funding collected will be allocated and spent, and to ensure that enough capacity to deliver the investments is also in place, whether in local Government or other agencies.

Question 22(a): We welcome any moves to simplify the system of developer contributions for funding new infrastructure shaped around Section 106 (s.106) agreements remaining integral to the system. Their power is their flexibility of purpose as set out in [sub-sections \(1\) and \(2\) of s.106 of the Town and Country Planning Act 1990](#). Despite the Law Society's Model s.106, no standardised template has been required for planning authorities to use and accept. Whilst there may be local drivers for varying provisions many of the boiler plate clauses and the general structure of a standardised s.106 should be required. The variability of planning authority s.106s remains wide and is not even necessarily consistent within the same authority between officers.

A standardised basic s.106 template should be required as part of the application documentation submitted for validation and be required to contain some minimum information.

There should be a requirement for all s.106 agreements to be substantially negotiated by the time the planning decision is being made to enable the decision maker to be reasonably confident it will be completed and the planning permission issued in accordance with a standardised compulsory resolution requirement.

That standardised compulsory resolution requirement could be for the s.106 to be completed within a specified timeframe after the committee resolution date. Standardised specific timeframes could depend on three levels of application (minor, major or EIA/strategic) with any longer 'open' period having to be agreed with an appropriate body by a set time in the planning determination process.

In the absence of completion of the s.106, the application could be returned to the decision maker with a recommendation for refusal or if there is a substantive planning issue outstanding be referred via a bespoke alternative dispute resolution mechanism and s.106 arbiter to determine the issue. Requirements such as those set out above would also increase the likelihood that developers engage planning solicitors earlier in the process.

This would not create more work for solicitors but allow them to be engaged at the most efficient time in their existing projects. There is still a perception that solicitors should not be required until needed which is severely misguided. This often creates a

situation where last-minute instructions are received and which at times identifies legal planning and title issues late in the process causing inevitable delays.

If the parameters of the process were more clearly set centrally then the relevant appropriate professionals would be more likely to be engaged at appropriate times in order to enable greater efficiencies. Extending the current exemption of small sites from having to make s.106 payments towards affordable housing allowing developers to help all “bounce back from the economic impact of coronavirus” will further reduce affordable housing delivery and stock and broaden the societal divide of those that own homes and those that are unable to.

Question 22(b): We believe nationally should be the preferred approach but at an area specific rate (i.e. taking into consideration regional, national, strategic importance of the location alongside community needs).

Question 22(c): More but based on the reflections outlined above / elsewhere in our response.

### **Proposal 20: Scope of the CIL**

Question 23: No, we do not agree. We consider that the permitted development rules (PDRs) relate to development to which planning permission is automatically provided subject to limitations and conditions and is a system for development considered to be very minor. The flexibilities the Government is trying to create with the extension of the PDRs may well be stymied (to a greater or lesser degree) if CIL is applied to PDRs.

### **Proposal 21: Reformed Infrastructure Levy and affordable housing**

Any reformed approach should not aim to continue to deliver on-site affordable housing at least at present levels. It should continue to be aspirational and aim to provide more to avoid the growing disparity between those that own property and those that do not.

S.106 agreements (see above) should continue to deal with on-site affordable housing provision and capture affordable housing contributions in lieu of on-site provision. S.106 is inherently related to mitigation of that particular proposed development.

We agree that CIL funding could be used to fund and deliver additional affordable housing where appropriate but that CIL should not become the focus of development specific mitigation. CIL should remain applicable to wider infrastructure requirements. The definition of infrastructure could be extended to include additional non-site-specific affordable housing.

We broadly welcome the First Homes initiative as adding to the portfolio of housing opportunities available to first time buyers and providing an important ‘stepping-stone’ to full owner occupation provided they are part of the overall affordable requirement.

However, a number of our members have raised, for example, issue with local authorities being able to unilaterally increase the % discount from 30% to 40% or 50%. Furthermore, it is not clear whether any 40% or 50% discount (as proposed) would be applied on a District wide or site-specific basis. In areas where house prices are generally higher than national average, like the Thames Valley, we would be concerned that the £250,000 price cap (even applied on a post discount basis) may limit opportunity for First Homes in these higher priced areas. Some consideration may also need to be given to the second-hand First Homes market.

### **Proposal 22: More freedom for local authorities over CIL spend**

Question 25: We agree that more freedom could be given to local authorities over how they spend the CIL receipts but the justification for this should be remain completely transparent to the original payee and the beneficiary community / neighbourhoods. They must remain *relevant* and focused on prioritising and delivering sustainable development outcomes where local communities can clearly see the benefits of any investments. Levies generated should certainly not be diverted to fund general local authority services.

Developers will not develop if they feel they are being used as a cash-cow for local authorities' unjustifiable local requirements if they have made a payment for a certain purpose. Annual Infrastructure Funding Statements must become more integral to the planning system to maintain transparency.

We believe there is substantive benefit in pooling the infrastructure levy across different authorities and even sub-regions into beneficial strategic infrastructure investment. Most specifically, major transport schemes which can deliver substantive economic benefits and environmental changes across a wide geographical area (such as the [Western Rail Link to London Heathrow](#)<sup>15</sup> (WRLtH)) could be delivered through such a funding source. This would deliver against the Government's levelling-up agenda, increase the likelihood of delivery and support the Government's 'build, build, build' (and build back better) agendas and realise sustained levels of foreign direct investment into the UK.

There is substantive support from bringing forward much needed major transport links such as this not only from the Thames Valley, but wider southwest, Wales and Midlands. UK plc is suffering from the delay in delivering WRLtH despite the overwhelming and compelling cases for investment – a reformed CIL with a strategic investment capability could unlock this shovel ready project and others like it very promptly.

Question 25(a): We believe it would be beneficial for a percentage to be fixed and ring-fenced as one of the remaining restrictions – ensuring however – that there needs to be tighter, clearer and more realistic agreements of what constitutes 'affordable housing' (see above) with developers effectively challenged (fined?) for not adhering to rules.

## **Delivering Change (Page 68)**

### **Proposal 23: Resources and Skills Strategy**

We wholeheartedly agree with this objective.

### **Proposal 24: Strengthen Enforcement powers**

We believe that planning enforcement is currently underfunded. Planning enforcement procedures and enforcement officers need to be fully and properly trained (see surveillance technologies below) in planning policy and the law. Our members' experience is that there are planning enforcement officers that are ill-equipped for their role and undertake their responsibilities on a misunderstanding of the law and in contravention of their own authority's Local Enforcement Plan. This wastes an inordinate amount of time for developers and adds additional unnecessary burden on PINS.

The use of surveillance technologies<sup>16</sup> for planning enforcement should be used consistently across all local authorities and adequately funded. Satellites wider application across the planning system for Urban Management & Smart Cities (as well) needs stronger emphasis within any new legislation.

## **C. Concluding Remarks**

In summary, whilst we welcome some of the proposals, it is hard to imagine how such a paradigm shift of focus as envisaged in the White Paper will get the country building any quicker and not initiate another decade or more of stakeholders trying to get to grips with and implement new rules that will inevitably become the focus of a future Governments to change yet again.

There is a paucity of evidence that any of the new measures could lead to higher quality, more attractive or more affordable homes. Design Codes should not set strict parameters but only ever a baseline of acceptable design from which even better more appropriate designs should flourish.

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<sup>15</sup> The TVCC are leading a regional grouping of partners and this link provides information behind our work and the value of the WRLtH project to UK plc.

<sup>16</sup> Aerial photography, CCTV and virtual globe applications of (say) Google are three important components of planning enforcement's 'surveillant assemblage'.



We are concerned about the disproportionate focus on housing and housebuilding, without consideration of wider economic development and the requirements of non-domestic housing to help meet and deliver the economic growth and prosperity for UK plc (see below).

In terms of public transport (bus and coach operators) - pre- COVID-19 pandemic bus commuters contributed £64bn to the economy and bus passengers were responsible for a third of all city centre expenditure (£21bn). Buses and coaches are also an environmentally friendly form of transport<sup>17</sup>. The White Paper provides an opportunity for buses, coaches (and through connecting rail) to play a significant role in the country's green economic recovery and decarbonising the UK economy. Delivered correctly, it also provides Government with the opportunity to secure delivery of a wide range of economic, social and environmental goals through ensuring that public transport (bus, coach and rail travel), alongside other forms of active travel – such as cycling - are genuinely at the heart of all future developments and the planning system. This must be a principle objective of the national planning framework which filters down to regional and local level.

We propose there are many more sympathetic changes that could be made within the existing system to address many of the White Paper's objectives.

Firstly, in addition to promoting a more standardised approach to s.106 agreements they remain an extremely flexible and proportionate tool. The sooner this is recognised the better.

Secondly, there is a variety of other legislative requirements that sit outside planning that should be acknowledged as further hurdles to development.

Whilst previous Governments have sought to allow for the concurrent running of highways stopping up and public rights of way applications, the requirement for highways agreements pursuant to sections 38 and 278 of the Highways Act 1980 also need to be considered. Whether a similar twin tracking requirement can be worked into the planning system at the same time as the planning process should be the subject of further consultation.

Thirdly, on the subject of avoiding complexities, the requirements for sustainable urban drainage system (SUDS) approval via either a standalone or combined approval process under the Flood and Water Management Act 2010 has been enacted in Wales but not in England. The Government should ensure that the system is not enacted in England and that issues around SUDS, water management and sustainability should continue to be dealt with as part of the planning process alone. The planning system is critical to the delivery of future environmental objectives to address much bigger issues the world faces.

Fourthly, the Community Infrastructure Levy should be comprehensively reformed and apply only a low-level tariff to all development to ensure every development contributes to the wider strategic infrastructure pressures in a local planning authority's administrative area. It should be able to be applied to a wider scope of infrastructure needs.

Fifthly, we have reservations that any form of zoning will provide the state of planning nirvana the Government wishes. Zoning can create unbalanced communities if ill-considered and implemented incoherently.

Sixthly, the White Paper is too heavily focussed on housing. Residential development must be near infrastructure, amenities and job opportunities in commercial developments and localised healthy high streets in order to create vibrant, healthy and prosperous communities. There will be negative consequences of any new system that are unintended and unforeseen. The planning system is inherently imbedded in the complexities of life, human development and well-being. The current system, whilst able to be improved, deals admirably with those complexities and unknowns. It is not something that can be politically packaged to fit a Government's passing, often short-term, agenda.

Seventhly, we refer you back to the suggested amendment to the Use Classes Order (see above) in regards film/studio space. Eighthly, efficiencies could also be made by requiring planning authorities to deal with planning matters in more homogenous ways to avoid disparity in approaches from authority to authority. For example:

- Some authorities fail to upload comments and representations on planning applications but will provide them on request;

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<sup>17</sup> for example, a new diesel bus is cleaner than a diesel car, and a fully loaded double decker bus can take 75 cars off the road.

- Other authorities do not maintain comprehensive documentation on their websites. For example, draft and completed section 106 agreements and subsequent deeds of variation are often omitted;
- Some authorities even require a payment for providing a completed section 106 which should be freely available as a public document;
- Other authorities in two tier areas require entry into their own section 106 agreements because they are not prepared to enter into the same document with each other; and
- The manner in which the discharge of conditions is dealt with and recorded could also be regularised further.

These discrepancies are prime examples of local politics and lack of resources and not reflective of the planning system itself.

Finally, we thank you for the opportunity to respond to your consultation. It is our strong belief that the UK planning system should be cherished and central to the economic, environmental and societal health of the country – on a par with the NHS. Given that the country faces significant threats, considerable economic challenges (post COVID-19 and as we move to an era outside of the EU) and a housing deficiency on a similar basis to the post-war period, it remains central to the future of the country, our ambition to Restart, Rebuild and Renew the economy, and our well-being. We commend our consultation response to you.