

RTPI response to the MHCLG consultation on the Planning White Paper

October 2020

This is the RTPI's response to the Ministry of Housing, Communities and Local Government (MHCLG) consultation on the White Paper 'Planning for the Future'¹. We have also published an essay which contains wider points than the consultation questions allow, and elaborates on the themes we raise below².

About the RTPI

The Royal Town Planning Institute (RTPI) champions the power of planning in creating prosperous places and vibrant communities. As a learned society, we use our expertise and research to bring evidence and thought leadership to shape planning policies and thinking. As a professional body, we have over 25,000 members across all sectors, and are responsible for setting formal standards for planning practice and education.

Pillar One: Planning for development

1. What three words do you associate most with the planning system in England?

This question appears to be directed at the general public.

2(a). Do you get involved with planning decisions in your local area?

This question appears to be directed at the general public.

2(b). If no, why not?

¹ MHCLG, 2020: [Planning for the Future](#)

² RTPI, 2020: [Positive, pro-active planning for the future](#)



This question appears to be directed at the general public.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

Other: see our responses to Q11, Q12 and Q13b.

4. What are your top three priorities for planning in your local area?

In the context of the current health, economic and climate crisis, our campaign to *Plan The World We Need*³ describes the vital role of planning in:

- Tackling place-based inequality: By delivering affordable and high quality housing in the right locations, regenerating deprived areas for the benefit of existing communities, and improving access to key services, amenities and infrastructure
- Enabling a green industrial revolution: By actively planning for the growth of sectors which deliver emission reductions, environmental gains and jobs, while helping places adapt to shifting economic and labour markets
- Prioritising healthy and sustainable modes of transport: By integrating temporary active travel measures into strategies which lock-in behaviour change and support regeneration, and plan for growth that helps public and shared transport to recover
- Accelerating the deployment of zero-carbon infrastructure: Through local and strategic planning for energy efficiency, renewable energy, smart grids and nature-based solutions to flooding and overheating, guided by ambitious policies and standards

In April 2020 we described how sensible planning reform could deliver these objectives⁴. This paper, and our wider research on the value of planning, has informed our response to the following questions.

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

Not entirely.

We welcome the increased emphasis on the primacy of the plan-led system, and the desire to make Local Plans faster to produce and easier to understand. However, the proposals would require a paradigm shift in local authority resourcing and capacity to enable plans to set out the full range of permissible and sustainable uses within the different areas. Additional resources would also be needed to progress the masterplans and local design codes required to actually provide developers and the public with confidence in the process (see Q17 and our essay on the White Paper).

³ RTP, 2020: [Plan The World We Need](#)

⁴ RTPI, 2020: [Priorities for planning reform in England](#)

The designation of Growth, Renewal and Protected areas

Growth areas

Forthcoming research from the CACHE university collaboration (to which the RTPI contributes) highlights the negative impact on housing design as land changes ownership following the grant of planning permission. Communities need more certainty that the high standards agreed when land is allocated will be carried through to construction and occupation.

Similarly, developers need greater certainty that schemes allocated in plans will receive permission. On certain occasions, applications on what appear to be robust allocations in Local Plans are refused by planning committees. Even if refusals are eventually overturned on appeal, they impose delays and costs.

Growth areas, if informed by upfront infrastructure planning and public engagement, and framed by ambitious national planning policy, could therefore offer both greater certainty to developers and confidence to local communities.

One of the critical roles for strategic planning will be to test potential growth area designations across multiple local authorities, considering environmental constraints, and following a clear settlement hierarchy to arrive at the most sustainable locations (see Q7b and Q16). These must be compatible with the rapid transition to net zero carbon transport, located either within urban areas with excellent public and active transport accessibility, or along existing and achievable high-quality public transport corridors, and with clear objectives to achieve public transport mode shares which are equal or higher to existing urban areas. The ability to connect to existing and planned energy infrastructure, such as district heat networks and smart grids, must also form a key consideration (see Q7a).

Providing the consenting process envisaged (see Q9) will require a huge upfront investment of time and resources by local authorities and developers at the plan-making stage: to identify site constraints, secure infrastructure funding, designate sub-categories of land, and progress the accompanying masterplans and local design codes. This will similarly have significant resource implications for the wide range of stakeholders and government agencies that are involved in bringing development forward, including public transport operators and utility providers, and require a step-change in how they engage in plan-making (see Q7b).

Given the pressure that this would place on the plan-making process, it seems likely that Growth areas would be used sparingly - limited to major regeneration sites, urban extensions and new settlements. However, this must not prejudice allocations of suitably located smaller sites, which often deliver more quickly but would prove too resource-intensive to designate as Growth areas. For further details on the consenting arrangements for Growth areas, see Q9a.

The largest Growth areas may need to be brought forward under the Nationally Significant Infrastructure Projects (NSIP) regime (see Q9c). Better methods for capturing land value can also increase investment in affordable housing and infrastructure (see Q22a).

Protected areas

This concept has some value as a blanket approach to considering the multiple existing designations in which the presumption in favour of sustainable development does not apply. However, as with Growth areas, clear sub-categories will be essential to maintain the distinction between different designations, most obviously to communicate the difference between land with physical and/or environmental constraints, such as ancient woodland or areas of high flood



risk, from those with policy constraints such as green belt. The terminology used should also clearly communicate that these are not 'static' areas exempt from change, but rather require active management of different sorts. For example, degraded peatlands require environmental restoration, conservation areas require management of heritage assets, and rural areas depend on sensitive development to maintain economic and social sustainability.

We propose that principal authorities prepare single Local Environment Improvement Plans. These would draw together currently disparate streams of environmental funding and planning to support the delivery of blue and green infrastructure strategies, and direct payments for environmental improvement from the Government and from developers. See Q9b for further details on consenting arrangements in Protected areas.

Renewal areas

Renewal areas are too simplistic to deal with the complexity of existing urban areas, and it appears that these are what is left over when the other two designations are determined. As envisaged, these would cover the entirety of England's existing built up areas, from long established suburbs to industrial areas actually needing renewal. It would also incorporate a whole range of town and city centres with complex land uses and important heritage. Many of these require planned regeneration, while cultural and historic heritage assets benefit from careful management. Most people would live in a Renewal area and they would form a key part of the country's recovery. Programmes of building retrofit, infrastructure investment and urban greening will also be necessary in Renewal areas to address the climate crisis, and require flexible solutions.

We would be happy to work with the Government to unpick this concept and find solutions which would work in the wide variety of places involved. See Q9b for further views on consenting arrangements proposed for Renewal areas.

Integrated strategies for the economy, infrastructure and environment

The White Paper does state that "*Plans should be informed by appropriate infrastructure planning*" but does not describe this in more detail. The government should grasp this opportunity to strengthen the relationship between economic, infrastructure and environmental strategies and Local and Strategic Plans, to ensure that an integrated approach is taken.

Our proposals for Green Growth Boards (see Q7b) would provide the strategic context for Local Plans, aligning them to economic, infrastructure and environmental strategies that span multiple local authorities.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No.

There are clear benefits of having more standardised Development Management (DM) policies in the NPPF, for example to cover protected species or listed buildings. There are also benefits to removing *generic* explanatory narrative and duplication from DM policies in Local Plans. This can be achieved through a revised National Planning Policy Framework (NPPF), the new National Model Design Code (already in development), a new Manual for Streets and updated

Planning Policy Guidance (PPG). Collectively, these must set a high and consistent standard for sustainability across England as described in Q7a and Q16. With the support of a standardised digital template (see Q11) this could lead to faster, shorter and more accessible Local Plans.

However, it is important to remember that past attempts by the government to streamline the content of Local Plans instead led to a proliferation of subordinate policy and guidance, with different levels of determinative weight, as local authorities sought to address issues that fell outside the scope of national policy. The government should recognise that even under a revised NPPF and PPG, *some* local DM policies will still be required to account for important variations in context, character and ambition. For example, many local authorities have declared climate emergencies and set targets for achieving net zero carbon targets which exceed national legislation. Local policies must have the flexibility to reflect that ambition.

Local areas also have the ability to trial approaches for national adoption. For example, policy on biodiversity net gain (BNG) is due to be extended nationally through the Environment Bill, however this policy was first trialled by Warwickshire County Council (among others) and was found sound by the Inspectorate. The learnings of this trial have been key to demonstrating that the policy could be rolled out more widely without major risks⁵.

Local DM policy will also be needed to determine applications in Renewal and Protected areas, including for innovative developments that are not policy-compliant. Attempting to cover all variables within national planning policy, guidance and codes would make these documents excessively time-consuming to prepare, lengthy and complex to navigate.

A better alternative would be to limit the scope of local DM policy to specific matters and exceptional circumstances, while working to standardise the way that DM policy is written to avoid duplication, and to support machine-readable formats where appropriate.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

We welcome the streamlining of the process and agree that the current system of Sustainability Appraisal needs reform. The single test would offer the opportunity to consider a wide range of issues concerning the delivery of sustainable development at the front end of the planning process, which could help deliver more integrated, well designed low carbon infrastructure and development. It could also mean that the need for and extent of Environmental Impact Assessment at project stage is reduced. It is important that the shortened timeframe for local plan-making does not hamper the ability to create robust plans which evidence the test of sustainable development.

We share widespread concerns that some current environmental assessment processes generate expense and delay, without providing clear benefits to plans or public engagement. It is not clear quite what *improvements* to plans they generate nor how effective public engagement with the assessment process is. It is also rather strange to expect developers to assess their own proposals: this should be a public function suitably funded by a combination of

⁵ Natural England, 2019: [Implementing biodiversity net gain in Warwickshire](#)



sufficient funding for Local Plans plus (possibly) some developer input. This would reduce a lot of the current duplication.

We will be engaging in the upcoming DEFRA consultation on the future of environmental assessment. We will be saying that assessment must:

- Include **all aspects of sustainable development** including economic, social and climate impacts (including impacts on health and wellbeing)
- Be **iterative**, showing how issues raised in an original assessment of the plan have been addressed, and how the plan has been improved through the process of assessment, and how unacceptable effects have been addressed
- Be **consultative**, complying fully with the UK's commitments under the Århus Convention and making it clear how the public has influenced the process
- Acknowledge that some mitigation issues cannot be addressed until project details are known

In certain cases it may be necessary for the environmental impact of a development to be assessed again at a site specific level as part of the outline or planning permission in principle process. This is because it may not be possible to design aspects for the mitigation of environmental impact on critical assets until site-specific plans are laid out.

Key components will need careful deliberation but should include job growth, high streets and town centres, land for commercial, industrial and logistics, the levelling up agenda, access to key services and infrastructure, healthy and inclusive patterns of movement, climate justice, compliance with national and local carbon budgets, embodied carbon, national and international law on species and habitats, and environmental net gain.

Of critical importance is the assessment against carbon budgets. National policy should promote a strong legal duty on LPAs to ensure that their plans contribute to climate change mitigation and adaptation, with local authorities able to set more ambitious targets. Inspectors should be expected to make recommendations where necessary to bring a plan's content into line with the pace of change required by the Climate Change Act. As described in Q7a, this will necessitate much greater scrutiny of the transport impacts of the Local Plan. The current assessment process is severely lacking and dependent on highly outdated 'predict and provide' methodologies.

In addition to transport, the issues described above will require assessment of the Local Plan against the wider economic, infrastructure and environment strategies described in Q5, which will have been prepared with input from the Green Growth Boards. This should replace the Duty to Cooperate test. For the test to work, there need to be up-to-date evidence bases, as well as the skills and resources required to carry out specialist, comprehensive assessments which take into account the interdependencies and trade-offs between social, economic and environmental sustainability.

Local Plans will need to be able to consider how decisions applied to red-line boundaries can effectively be linked with retrofitting blue-green infrastructure within neighbouring areas without giving small sites, such as urban infill sites, an easy way out of sustainability actions. Rules in this context should be clear: If such sites cannot deliver appropriate levels of sustainability then the development should be required to take place elsewhere.

Likewise, better consideration needs to be made of the ability within strategic flood risk assessments to identify how and where the opportunity may be taken to creatively use pockets within the urban fabric to implement flood risk management measures that will enable otherwise unsustainable developments to take place.

Monitoring and Reporting

The test must be supported by a revised NPPF which contains much clearer outcomes for plans, with measurable standards and targets. Once the plan has passed the sustainable development test, a monitoring and reporting system should be set up to monitor the impact of the local plan against the elements set out above. LPAs should be required to provide public reporting on the steps taken to support net-zero emissions targets. We are shortly to publish research on Measuring Planning Outcomes, which is part funded by MHCLG and examines how local authorities can measure the outcomes of planning in order to track and improve the impact of planning⁶. Measuring outcomes against the Sustainable Development Goals could also help ensure a balance of social, economic and environmental outcomes are being achieved.

There should also be sufficient planning authority resources available to undertake post-occupancy evaluation (similar to the former Code for Sustainable Homes).

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

Strategic planning provides clarity and certainty for markets, infrastructure providers and the public about the long-term ambitions for an area, and delivers economies of scale through coordinated funding and evidence. Through alignment towards a shared vision, it provides a stronger platform for directing investment towards place-making, including by identifying strategic sites which support Local Plan delivery, reducing the risk of unsustainable development, and coordinating the necessary infrastructure and environmental improvements.

Complex 21st century issues, such as the transition to net zero carbon, will continue to require long-term strategic planning across functional geographies and sectoral boundaries, with early and proactive engagement from a range of stakeholders. The Duty to Cooperate is widely recognised as being insufficient to this task. However, the White Paper offers no accountability for the dismantling of formal regional planning by successive governments, and the contribution this has had to the poor planning outcomes and complexity seen today.

The void in governance for strategic planning has required new institutions and partnerships to emerge, including mayoral combined authorities, sub-national transport bodies, joint planning committees and non-statutory growth boards, along with direct intervention from government in the places like the Oxford-Cambridge Arc. While beneficial, these too have resulted in fragmented and complex governance arrangements⁷.

6 RTPI, 2020: [Measuring Planning Outcomes](#)

7 RTPI, 2019. [A smarter approach to infrastructure planning](#)



Green Growth Boards

A proper mechanism to address strategic and cross-boundary issues will be critical to meeting the government's ambition to streamline Local Plans, while ensuring that they are aligned with wider national objectives for a given functional area. We propose that Green Growth Boards (GGBs) could fulfil this role without creating an additional administrative layer.

GGBs would bring together local authorities with other relevant organisations at a strategic scale, with collaboration incentivised through greater access to infrastructure investment. Participating organisations would include mayoral combined authorities and development corporations (where they exist), water and energy providers (including the National Grid), the Environment Agency, Natural England, Forestry Commission, Historic England, Public Health England, the NHS, Network Rail, Highways England and transport operators, the Drainage Board, the Local Economic Partnership, and Local Health and Wellbeing Boards.

In terms of functions, GGBs would help to:

- Support cross-boundary cooperation and set the long-term strategic direction for planning, making the connections between housing, employment, transport, energy, water, natural resources, climate change and public health
- Support the redistribution of 'binding' housing targets in a transparent and accountable way, by helping to identify the most sustainable locations for development (Growth and Renewal areas) and environmental enhancement (Protected areas)
- Coordinate the infrastructure and services necessary to support sustainable development within a given area
- Ensure that plans which meet agreed criteria are available to view as layers alongside environmental and social mapping, a shared geospatial platform. This would support the shift towards standardised, web-based Local Plans as described in Q11.

Rather than imposing a prescriptive structure or timetable from the top - at least initially - Local Planning Authorities could opt to assemble under a GGB and agree on the necessary models and protocols to arrive at collective decisions quickly, possibly based on standard templates prepared by central government. Participation in GGBs should be clearly incentivised, for example through access to infrastructure funding.

The GGBs would support the development of infrastructure, economic and environmental strategies across functional areas, with relevant sections informing the preparation and testing of individual Local Plans (see Q5 and Q7a). Key elements of these strategies are described below.

Strategic planning for housing numbers

A key role for the GGBs would be to provide - in a non-statutory way but by agreement - the housing figures for constituent local planning authorities. This could involve green belt reviews (at a strategic scale, not field boundaries) and it would have to take into account the other strategies over which the GGB presides. The concept from the County Councils Network for

“Integrated Strategic Frameworks” - while developed in a somewhat different context - could form a starting point for thinking about how housing numbers are distributed⁸.

Strategic planning for the economy

Covid-19 has already accelerated macro-level changes to England’s economic landscape, resulting in the loss of employment in at-risk sectors, growth in others, and an increase in remote and flexible patterns of working. In the context of a wider transition to a zero-carbon, circular economy, the nature and distribution of economic activity is likely to shift significantly over the coming decades.

A critical role for GGBs will be to align planning for housing and infrastructure with local economic and industrial strategies, anticipating the growth of jobs in sectors which deliver emission reductions, environmental gains and secure jobs, while helping places adapt to shifting economic and labour markets. There would be a duty on Local Enterprise Partnerships and other relevant stakeholders to participate in GGBs.

Strategic planning for transport and utilities infrastructure

Our response to Q16 describes the enormous challenge of delivering 300,000 new homes per year in a manner compatible with the climate emergency. This will require extremely close integration between transport and spatial planning, with GGBs helping to unlock the infrastructure necessary to support patterns of settlement growth which secure the very highest levels of accessibility by sustainable modes, and exploit opportunities to improve connectivity between different modes (including through mobility hubs).

This would see significant developments designed and located to ensure that the majority of trips, especially at peak times, can be serviced by sustainable modes which are credibly more attractive than the private car. Transport agencies and providers will need to engage in the strategic planning process to assess and validate different spatial strategies, with engagement continuing through local plan-making to de-risk the delivery of allocations. The government’s transport appraisal process, and the forecasts and modelling that underpins it, must move away from a ‘predict and provide’ to a ‘vision and validate’ approach, to ensure much greater alignment with Local Plans⁹.

Sustainable development will also require earlier and more effective engagement by utility providers in strategic planning, including energy, water and telecoms. This will require changes to the relevant regulatory frameworks to strengthen requirements for collaboration between providers, local authorities and GGBs, and efforts to clarify the evidence needed to allow utility providers to make ‘speculative’ investment ahead of need. More detailed recommendations can be found in upcoming research from the RTPI and GLA¹⁰ and models proposed by the Energy Systems Catapult¹¹.

⁸ County Councils Network, 2020: [Planning Reforms & the Role of Strategic Planning](#)

⁹ See TPS, 2020: [State of the Nations](#) and CIHT, 2019: [Better Planning, Better Transport, Better Places](#)

¹⁰ RTPI and GLA: Planning for critical infrastructure in London (to be published in November 2020)

¹¹ Energy Systems Catapult, 2020: [Local Area Energy Planning: The Method](#)



Strategic planning for the environment

Following Brexit, we propose that principal authorities prepare Environmental Improvement Plans which will combine the multiplicity of different subject-based environmental strategies inherited from the EU. These plans would set out corridors of environmental improvement and direct the spending arising from payments to farmers (ELMS) and payments from developers (e.g. biodiversity net gain).

Skills for strategic planning

There needs to be a serious focus on ensuring that local authorities have the right skills to undertake strategic environment planning. In our view, public-sector Local Planning Agencies, working over wider areas than a single LPA, could assist in the provision of expertise in ecology and other subjects, and ensure that the specific skills needed for strategic planning are developed. At the same time, these would provide the public sector with wider career paths than are sometimes currently possible in individual authorities. Such Agencies would operate irrespective of the political duties of LPAs. Some similar shared services are already tried and tested.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

No.

A centralised and data-driven formula cannot possibly embrace all the possibilities inherent in a truly proactive planning process, where constraints and opportunities are developed through an iterative process. See Q8b for further details.

Introducing top-down housing targets and reliance on household growth projections at a time of major uncertainty due to Covid-19, the economic climate, Brexit and increased environmental challenges appears risky. A better way of allocating housing numbers would be to introduce an effective level of strategic planning across wider areas through Green Growth Boards (see Q7b). GGB's could support the redistribution of 'binding' housing targets in a transparent and accountable way, by helping to identify the most sustainable locations for development (Growth and Renewal areas) and environmental enhancement (Protected areas). Local knowledge should also be utilised when preparing housing targets, although better upfront data from different sources would also help.

The RTPI's response to the consultation on changes to the current planning system described how this calculation could better support growth, regeneration and the levelling up agenda¹².

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

No.

¹² RTPI, 2020: [Response to the MHCLG consultation on changes to the current planning system](#)



These issues should be a factor but are very far from sufficient on their own. They merely result in the continuation of existing trends and do not take account of changes that will result from infrastructure investment, strategic green belt review and programmes for strategic nature recovery.

We are concerned that a data-driven formula devised in a single Whitehall department will struggle to embrace all the possibilities inherent in a truly proactive planning process. Constraints should be determined through the plan-making process, not beforehand - although better upfront data from different sources would help.

If this system of central determination is ever introduced, it must at the very least include demonstrable and transparent input from DfT, BEIS and DEFRA to show how opportunities that result from the changes described above have been factored in. At a national level, the government's aspirations for levelling up will require input from BEIS and possibly the Treasury.

Affordability calculations should not just lead to a housing target, but to specific targets by tenure (social rent, affordable rent, intermediate rent and affordable homeownership). This should be used to allocate increased public subsidy for affordable housing to local authorities, as proposed in Q22a.

9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Yes.

With the caveats described in Q5, Q7b and elsewhere, Local Plans should be able to designate Growth areas for substantial development. These would have the benefit of being proactively prepared by the local authority and developers working in partnership, and with the potential for greater alignment with a strategic vision for sustainable growth.

Through the preparation of comprehensive masterplans and local design codes, which set out fine-grained sub-categories for different land uses, it should be possible to deliver a mixture of development types and new Protected areas (for example to accommodate networks of blue/green infrastructure).

The consenting process would replicate the existing route provided by Local Development Orders (LDOs). It is important to note that this does not confer a 'right to build', as developers will still be required to demonstrate conformity with planning policy, masterplans and local (and perhaps neighbourhood-level) design codes.

However, these are highly resource-intensive and untested at the scale envisaged by the White Paper. There are also concerns about the impact on diversity. Submitting a site for potential designation as a Growth area would require significant investment from developers. This could disadvantage SMEs and counteract the benefits of providing increased certainty through the grant of outline planning permission. The Letwin Review recommended the breaking up of sites, and it would be sensible to progress this.

Growth areas will not exist in isolation. Infrastructure will likely be required in surrounding areas to support development, in land which may be designated as renewal or protection. There must be flexibility within the planning system to support this development, and to secure the funding needed to integrate growth areas with their surroundings and mitigate impact. Growth areas

could also support the delivery of critical infrastructure linked to climate and environmental objectives, and should not be only viewed as a category to provide residential and commercial development.

Climate change means that the understanding of risk, and sometimes the risk itself, can change rapidly over time. Within this streamlined process, it is important that the granting of outline consent in a Local Plan is subject to a set process and timeframe for producing a masterplan which considers the relevant environmental constraints. If this does not happen within a specified time period, then constraints should be subject to review before a masterplan is brought forward. This use of periodic review would not necessarily reduce the ability to develop. Sites might become less constrained as the understanding of risk becomes clearer over time, or as measures are implemented to mitigate the risk.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Yes for Protected, No for Renewal

Renewal

As described in Q5, existing built-up areas are highly complex and require a variety of planning approaches depending on context and purpose. These vary significantly between a prosperous suburb in the South-East and a struggling town in the North. They include areas with substantial potential for industrial reclamation, and towns and city centres with fine-grain land use patterns.

Setting out all permissible uses within Renewal areas at plan-making stage would be incredibly resource-intensive, requiring a detailed understanding of site constraints and opportunities. The White Paper proposes that the necessary design guides and codes be prepared on a 'twin-track' alongside the Local Plan, which would again prove extremely resource-intensive and risk delaying plan adoption, while drawing scarce resources away from writing design codes for Growth areas.

The consenting arrangement proposed for Renewal areas would also result in multiple consenting pathways for different types of development, in addition to the consenting routes for Growth and Protected areas, and under the separate NSIP regime (see Q9c). This could introduce significant complexity. Few of the arrangements proposed offer additional certainty when compared to the current system, most seem to imply an expansion of Permission in Principle (PiP). This would transfer additional costs to local authorities on top of those required to successfully designate Growth areas. While this would provide some additional certainty to developers, especially SMEs, it would still require developers and LPAs to negotiate detailed conditions.

It should be recognised that many urban areas will need to maintain the current discretionary approach as a default, but without the presumption against development that comes from a 'Protected' area. Instead of an overarching designation, reform should focus on strengthening national policy and targeting investment to support a brownfield-first approach to development, and addressing any perverse incentives that encourage development on greenfield sites (see Q22a). Local Plans may then use a range of planning tools as appropriate. This could include a designation similar to the 'White' zones used in Singapore, where developers and local communities have the flexibility to suggest a range of uses, or existing approaches for



Enterprise Zones and Area Action Plans. Trials of voluntary street or neighbourhood-level agreements to allow gentle densification through permitted development should be explored, enabled by digital technology.

Protected

As described in Q5, sub-categories will be needed to distinguish between different environmental land uses, such as minerals and waste, carbon sinks, forests and ancient woodlands, Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, Local Nature Reserves and other priority habitats. For these land uses it is appropriate to have a legal presumption against development in order to reinforce their protected status. There should be flexibility within protected areas to plan for ecosystem change and natural capital gains. This would encourage development that supports the rural economy or provides developer contributions for environmental enhancements, or which contributes to wider climate and environmental objectives (e.g. renewable energy in a rural setting). Planning all land use designations in alignment with Local Environment Improvement Plans would help to accommodate the migration of wildlife and protected species across zones.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Yes, but with significant caveats.

Use of the Nationally Significant Infrastructure Projects (NSIP) regime could help provide certainty for delivery of nationally significant new settlements. However, there are various essential preconditions and caveats. Firstly, they must be considered as nationally significant new settlements set within a National Policy Statement (NPS) approved by Parliament. Importantly new settlements must be viewed as more than just housing. They are new communities which need careful place-making, and consideration of the location of development, environment, cumulative impact of housing development, funding and timely delivery of infrastructure and community engagement. They will also need new types of Development Consent Orders (DCOs) that can be constructed to operate over much longer development time periods and offer flexibility in their delivery over this time. They will also require significant commitment from the Government for their implementation including for social infrastructure, affordable housing and sustainable design and development.

The NPS should take into account the principles of development including location and the integrated relationship with other strategic development. The process of currently delivering NSIPs through the DCO process often, but not always, lacks a joined up spatial vision and tends to be delivered through a more ad-hoc approach, as infrastructure bodies seek to bring forward their specific projects. It is critical that under the planning reforms, NSIPs for local and regional communities are delivered through an NPS which is part of a national spatial planning framework.

This would help ensure that appropriate low carbon infrastructure is front-loaded and the development fits with the social, economic and environmental vision for the area. We would have reservations about the use of DCOs without clear demonstration of how they are integrated with wider development proposals in the local area.

An NPS, which identifies the principles and potentially locations for Nationally Significant Communities could provide national policy considerations for all parts of the planning delivery system.

Environmental protections and considerations must not be lowered if a development is delivered through the NSIPs regime and biodiversity net gain requirements must be included in the DCO for this to work. NSIPs should be required to contribute to improved environmental outcomes and meeting the targets set out in the 25 Year Environment Plan and that are developed pursuant to the Environment Bill.

Any NPS should provide that DCOs should also secure sustainable development that contributes to achieving (a) the net zero target for 2050 set out in Section 1 of the Climate Change Act 2008 and (b) applicable carbon budget(s) made pursuant to Section 4 of the Climate Change Act 2008, having regard to the anticipated life of the development in question.

The New Towns experience demonstrates how essential public sector involvement in the promotion of NSIPs communities through the DCO process will be. This could be done via a development corporation or a community-specific delivery vehicle. It should be encouraged through Guidance that DCOs set out the structures by which the NSIPs communities are delivered and maintained in the long term, including an appropriate role for the public sector.

Local authorities must be resourced so they can promote and participate fully and effectively in the consideration of the NPS for new communities. There will also need to be meaningful national consultation on the NPS which should be developed in tandem with the updating of all other NPS now promised recently by the Government so that there can be integration between national planning, investment and delivery.

The move to digital technology can also help to improve the efficiency and effectiveness of the process and the quality of projects. And as our submission to the Comprehensive Spending Review stated, local planning authorities need substantial resourcing to facilitate participation in the DCO process, especially if it is expanded to encompass new communities¹³.

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

We support the use of digital technology to support decision making, but disagree with the proposals around determining applications within statutory time limits.

Using digital technology to support decision-making

The White Paper assumes that front-loading the plan-making process can make decision-making faster and more certain. As we have described in Q5, Q7b, Q9a and Q9b, we are not convinced that this is achievable without an extremely high level of resourcing for both local planning authorities and relevant stakeholders, and a greater role for strategic planning. However, the ambitious proposals to expand the use of digital technology are encouraging, and

¹³ RTPI, 2020: [Comprehensive Spending Review: RTPI response](#)

reflect many of the recommendations set out in our shared vision for digital planning with the Connected Places Catapult (CPC)¹⁴.

The White Paper suggests that the move towards machine-readable DM policies and codes could “...*significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity*”. While this will not be possible or appropriate for all policies, efforts by local authorities and companies in the PlanTech sector demonstrate that it can work for simpler policies and should be encouraged. Similarly, the proposal for the “*greater standardisation of technical supporting information*” could support strategic planning for infrastructure and the environment, which in turn supports faster and more certain decision-making (as we describe in Q7b and Q11).

Design and development management inevitably involves reference to a wide range of policies, standards and codes, with trade-offs between them. Any automated decision-making tools would have to include algorithms which can identify mutual dependencies and circular arguments, and transparency by showing where DM policies are subject to discretion and flexibility, and why.

The key challenge with these ambitious proposals will be to avoid embedding current system failures into the new system, and ensure interoperability between systems both within and between local authorities. The pilot project from Southwark Council and partners demonstrates the challenges and benefits of creating a user-centred back-office planning system¹⁵. As we say in our shared vision¹⁶, it is critical that all potential user needs are considered, with planning services, data and tools accessible to all (including those without the confidence or skills to use digital).

Determining applications within statutory time limits

We disagree with the proposal to refund planning fees for applications that are not determined within the time limit. Firstly, key elements of the process are outside local authority control. Secondly, the evidence suggests that this is not a widespread problem - government figures show that between April and June 2020, district level planning authorities in England decided 89% of major applications within the agreed timescale of 13 weeks¹⁷. For smaller applications, faster decisions can be achieved through a combination of standardised and digitised DM policy, increased resources for local authorities, and clearer policy and funding for affordable housing (as we proposed in Q22a).

11. Do you agree with our proposals for digitised, web-based Local Plans?

Yes.

¹⁴ RTPI & CPC: [A shared vision for the digital future of planning](#)

¹⁵ MHCLG, Southwark Council & partners: [A user-centred Back-office Planning System for local authorities](#)

¹⁶ RTPI & CPC: [A shared vision for the digital future of planning](#)

¹⁷ MHCLG, 2020: [Planning Applications in England: January to June 2020](#)



We support the ambition for Local Plans to be “...visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template”. Much of Proposal 7 builds upon the recommendations of our shared vision with the CPC¹⁸. This calls for the standardisation of common built environment language, processes, documents and data, and the use of machine-readable formats for all published and commissioned documents, planning applications, local plans and spatial development strategies. This will make it easier to share data, and support cooperation between government, developers, infrastructure providers and wider civil society.

We support the principle that all local planning authorities have a similar and easily navigable website structure that can operate across all devices. Our submission to the Comprehensive Spending Review called for a Digital Transformation Fund which could support this¹⁹. We also support clearer guidance on the length, structure, evidence base requirements and format of plans. However, these changes must not reduce Local Plans to simple maps and lists, but form part of a wider digital transformation which improves both the user experience and *outcomes* of planning.

For example, our upcoming policy paper²⁰ describes how the Greater London Authority (GLA) has created digital platforms to monitor planning permissions and map current and planned infrastructure assets, which helps to coordinate infrastructure investment with growth. Our paper recommends how digitisation could enable the GLA to go further, creating a ‘live’ evidence base for London’s infrastructure, with data on the location of existing assets and high-level assessments of need, and providing scenario modelling tools which enable users to assess sites against infrastructure capacity and policy constraints. This will require government agencies and regulators to incentivise infrastructure providers to share data on network capacity and constraint in a consistent and machine-readable format.

Access to this type of data and evidence will support digital Local Plans which go beyond simple maps and lists, but serve to unlock infrastructure investment and provide developers and communities with certainty. Our shared vision with the CPC recommends that the Government invest in open source tools which enable local planning authorities, private companies and local communities to collect, analyse and visualise data, scenario test strategies, policies and options in a standardised way, and better communicate the different weight and flexibility of individual planning policies. To support greater consistency and the levelling up agenda, Government should explore the value of creating data hubs tasked with developing the common evidence and analytical capabilities to support strategic planning, and promoting innovation and collaboration at the sub-regional or regional level.

And as we say in Q12, this transformation must actively increase equitable participation in planning. Research shows that 22% of people in the UK lack digital skills or access to the right technology²¹. To make planning processes and delivery truly accessible to all, they must be accompanied by investment in national digital infrastructure to make it accessible to all.

¹⁸ RTPI & CPC: [A shared vision for the digital future of planning](#)

¹⁹ RTPI, 2020: [Comprehensive Spending Review: RTPI response](#)

²⁰ RTPI and GLA: Planning for critical infrastructure in London (to be published in November 2020)

²¹ Lloyds Bank, 2019: [UK Consumer Digital Index](#)



12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

No.

This is an enormous challenge given the greater role envisaged for Local Plans, and the need for public awareness and education. It should be noted that some LPAs do already produce their Local Plans within the proposed timescale.

We are not convinced that the *speed* of the process is as important as introducing more *certainty* into it. Focusing on speed in itself does not answer the concerns of developers or communities with the planning system. Speeding up the timescales equally is no guarantee of better decisions and developments.

30 month statutory timescale for the production of Local Plans

The following matters should be fully considered and responded to prior to any statutory timescale being introduced:

- **The depth and breadth of matters that an LPA may have to consider is significant.** For example, the PAS route mapper and toolkit details 110 matters that an LPA could have to explore in the preparation of local plans as set out in the NPPF and National Planning Practice Guidance²². The number of these that will require assessment varies depending on the complexity of the local authority's area but it serves to illustrate the scale of work required.
- **Streamlining the evidence base.** The volume of information required in local plans on matters such as building regulations, biodiversity and floor space could be dealt with prior to the development plan making process to remove the debate. The workload requirements on a LPA will need clarification, for example will design codes, pattern books or masterplans need to be produced simultaneously with the Local Plan?
- **The Resources and Skills Strategy** must deliver significant investment and capacity building to support widespread achievement of the 30 month timescale.
- **Strategic planning**, in our answer to question 7b we set how a strengthened form of strategic planning can provide the forum for the larger than local discussions on matters such as housing allocations, infrastructure investment, environment planning. Resolving the matters that require cross boundary cooperation can subsequently support the production of local plans.
- **Engagement with Councillors:** With Local Plans requiring approval by the Cabinet of a local authority, we suggest the Government encourage LPAs to set up advisory Local Plan member working groups, made up of planning committee members, to advise the Cabinet on the Local Plan.
- **Ensure councillors are able to make decisions based on policy and evidence.** This could include investment in mandatory training for councillors. The RTPI and Local Government Association have both endorsed the benefits of members receiving regular training on planning matters as a way to ensure informed and balanced decisions are

²² PAS, 2019: [Local Plan Route Mapper & Toolkit](#)



reached²³. Investment for mandatory training would need to be provided with additional funding from the government that critically did not come from existing local authority budgets. The government could also consider introducing penalties for councillors whose decisions are repeatedly turned over at appeal. We would encourage MHCLG to limit proposals to refund fees where decisions are overturned at appeal to cases where the decision went against officers' recommendation.

- **The Planning Inspectorate** will require adequate support to respond should the majority of Local Plans be submitted to them at a similar time for their inspection.

The current Local Plan process

The White Paper omits time consuming elements in the current production of a Local Plan, as described below:

- **Stage 0 (6 months):** The Government should acknowledge a stage where the existing plan is monitored/reviewed to see what is/isn't working. This allows the LPA to decide what evidence base documents need to be commissioned / drafted to help inform the call for suggestions and the future drafting. Procurement alone can take a few months.
- **Stage 2 (12 months):** Producing some of the evidence at stage 2 is too late. Some evidence can take over 12 months. This should start being commissioned at Stage 0.
- **Stage 3 (6 weeks):** We welcome this proposed approach. At the moment responses from Regulation 19 Publication/Pre-Submission stage consultation get forwarded to the Secretary of State /Planning Inspectorate, therefore it makes sense to merge together. However, the knock on effect is that the next step of examination will take longer as there will likely need to be more modifications made during that stage – this will need longer than 9 months.
- **Stage 4 (9 months):** Usually during an examination it is appropriate to make modifications to the Plan which should be consulted on again. This likely extends the examination period e.g. beyond 9 months. Even if it doesn't extend the period, it is worth the government noting this in the 'stages' so can be seen – it is effectively a 3rd stage of consultation.
- **Stage 5 (6 weeks) - Local Plan map, key and text are finalised:** Local Plan adoption has to be agreed by a Full Council meeting. Local authorities have various 'governance' lead-ins to such meetings, including the possibility of a call-in from a Scrutiny Committee or similar. This can rarely be completed in 6 weeks.
- There will also need to be time to carry out a viability assessment to set local CIL rates. We explain in our answer to Q22a that implementation of a single Infrastructure Levy risks creating another complex system and generating new risks.

Public engagement in plan-making

The White Paper proposes that local authorities radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities. Communities should have a

²³ RTPI, 2020: [Probity and the Professional Planner](#) and LGA, 2019: [Probity in planning: Advice for councillors and officers making planning decisions](#)



“more meaningful voice in the future of their area as plans are made”. The scale of this task within a 30 month timescale should not be underestimated. A recent poll reported that across all age groups, only 26% of respondents said they had engaged with a Local Plan consultation, while 69% said they have not been involved in the process. In the 18-34 age group, 80% of respondents aged said they had not engaged in a Local Plan consultation²⁴.

Early engagement on Local Plans

We welcome the step to support local authorities in rethinking the tools, timing and depth and breadth with which they engage communities in local plans. However, front loading community engagement in the establishment of the designated areas every five years is a major cultural shift for England and there is a risk that communities become disenfranchised from engaging in planning matters.

This cultural shift must promote inclusive, transparent and participatory engagement which improves the negotiating position of communities and establishes local plan making as a process of co-production between local authorities and the community. A culture shift to front-loaded engagement cannot be made from the top down and it will need commitment to culture change across the built environment sector from professionals to third sector to community groups and most importantly the public.

As part of this ‘culture shift’ to meaningful engagement at the plan-making stage, people need trust in the system and to have understanding and influence within a transparent planning process.

Our CSR response proposed that the government uses part of the Planning Delivery Fund to resource and deliver meaningful, front-loaded, deliberative community engagement and ensure the most vulnerable are not excluded from engagement²⁵. The Government could use this delivery fund to resource our recommendation for a targeted public awareness campaign. This should be designed to raise awareness of the changes to the planning system and increase clarity around the purpose of engagement. The campaign should explain how communities can shape the vision for how an area develops, when in the process people can engage and what they can influence, given there is much room for misunderstanding and confusion as part of the shift to front loaded engagement.

The fund could also be used to resource the position of community planners within local authorities. Conducting meaningful community engagement within the proposed timescales of a local plan, will be challenging and front-loaded, genuine engagement will present challenges for local authority planners and other professionals who will need to learn new skills and ways of working. Community Planners could help in ensuring a dedicated focus on hearing the views of communities and providing training on the technical and soft skills needed for participatory engagement and training on engaging with hard to reach groups, including those without access to digital technology.

As part of the five year review process, we propose that communities have a role in monitoring that the plan meets the objectives agreed during engagement on the local plan to improve

²⁴ Social, 2020: [Local plans fail to engage people about the future of their areas](#)

²⁵ RTPI, 2020: [Comprehensive Spending Review: RTPI response](#)

democratic oversight and foster greater understanding and a sense of shared ownership of the plan among communities. A community planner could help facilitate this.

Any move to digital engagement should comply with the principles that form our shared vision, particularly being inclusive and diverse, considering everyone's needs and making services, data and tools accessible to all, including those without the confidence or skills to use digital. We advocate for a mixed methods approach where 3D visualisation and interactive digital methods are supported by traditional deliberative consultation methods. Digitisation can help communities visualise the possible impacts of development more clearly however the process and forms of consultation should not be completely digitised.

There must also be the opportunity to provide feedback in more traditional ways such as in person at focus groups, workshops or meetings. This can enable deliberation and ultimately better quality engagement. Notification of consultation or development also needs to retain a non-digital element particularly for people most affected by possible development. This could be difficult to achieve digitally where email addresses cannot be easily established therefore a mechanism which notifies people directly such as through post or local notices in community venues should be retained. We believe this can help to reduce digital exclusion whilst also providing the scope and depth of feedback required to make engagement meaningful.

Downstream engagement: Design Codes and Masterplans

The extent to which downstream decision making power is removed from local communities will depend on how renewal and to a certain extent growth areas are designated and the power given to local communities in shaping site specific design codes and scrutinising site specific masterplans. Communities should be engaged on design in the widest sense - not simply layout and materials of the development but other place - based factors such as green spaces, community facilities, public space and electric vehicle charging infrastructure, access arrangements and walking and cycling infrastructure. If any schemes are brought forward which are an exception to the local plan or design codes, communities should be given the opportunity to object.

Community engagement within renewal areas is of the most concern where areas of 'gentle densification' could lead to building extensions or residential conversions under new PDR rules with no community input or democratic oversight. We are encouraged to see that homes brought forward under PDR will be subject to space standards but we are concerned about the complete lack of community control around what is developed under the PDR process. Could the Government explore the idea of neighbourhoods being able to vote on their own local neighbourhood PDR rather than nationally imposed PDR?

Covid-19

In the response to the impact of Covid-19, we have seen the planning profession rapidly adopt digital tools and new ways of working during 2020²⁶. An example of this is the use of virtual reality which can help people to conceptualise development when there is no application to scrutinise (e.g. a local plan-making level). However, this needs to be supported by detailed outcomes (e.g. in terms of infrastructure and safety) rather than just visuals. Other areas where technology can support face to face engagement include, a site notice with QR codes, up to

²⁶ RTPI, 2020: [Coronavirus Hub - Sharing Experiences](#)



date and upgraded local authority websites, social media and ways to capture and analyse feedback accurately.

Case studies

The following provides examples of local authorities using innovative ways to engage with their communities:

- The digital engagement 'Play Days' undertaken by Plymouth City Council on the Plymouth Plan shows how data sharing on digital platforms between local people and tech developers can be delivered. With access to data, people were able to make better-informed observations about the proposed Plymouth Plan, "massively improving" the quality of the consultation²⁷.
- A mixed methods approach which has worked well took place in Dudley, West Midlands, they used a 'People's Panel' involving focus groups and digital hearings²⁸.
- The work by CommonPlace in Catford is another interesting example of blended methods involving an updated website, social media, on outline community engagement platforms and in person events²⁹.
- The Loch Lomond and the Trossachs National Park 'Our Live Park' initiative widened engagement on the local plan to working families and young people in different ways. This included a Lego competition to help primary school children build how they wanted their community to be and producing YouTube videos explaining words and phrases such as 'charrette' and 'sustainable development'. This engagement won the 2015 Scottish Awards for Quality in Planning³⁰.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes.

Planning activity at the neighbourhood scale allows local knowledge to filter into the system and gives local people the opportunity to provide fine grain input into site allocation and local evidence bases. Neighbourhood planning has enabled a better tailoring of development to local needs in some places, increasing communities' knowledge of the planning system and in some cases improving attitudes towards development.

There is considerable, largely untapped, potential for Neighbourhood Plans to deliver innovative, local level solutions to complex challenges. Climate change is a good example of this with neighbourhood plans having the potential to develop local flood policies, establish Heritage Trails between settlements, advocate for carbon neutral developments and build genuine and informed consent for low carbon infrastructure. Better guidance and encouragement of neighbourhoods to finesse, extend or otherwise build from local policy and

²⁷ The Planner, 2017: [How Plymouth's open data 'play days' are transforming community engagement](#)

²⁸ Dudley Council: [Dudley People's Panel](#)

²⁹ Commonplace, 2020: [Award winning community engagement in Catford](#)

³⁰ The Planner, 2015: [National park crowned overall winner at Scottish Government planning awards](#)

national and international ideas could support bringing forward ambitious Neighbourhood Plans that ensure local people have a real stake in planning.³¹

Within a new system, Neighbourhood Plans can also play an important role in site identification and have the potential to allocate or identify more housing than a Local Plan might suggest. In addition to housing, Neighbourhood Plans can also have an important role in allowing communities to propose development sites for a variety of uses from affordable housing, climate adaptation or mitigation measures or protecting cherished local amenities such as green spaces. However, local conditions and timing in relation to the local plan are crucial. Bringing sites forward through Neighbourhood Plans will require effective brokerage between neighbourhood planning groups and local authorities and will be challenging to achieve within the new proposed 30 month timeframe.

Given the positive contribution that Neighbourhood Plans can make, they should be retained within the new system. The Government's objectives for Neighbourhood Plans should be made more explicit and clarify what is expected of them within the new system to avoid frustrations and delays as the policy is interpreted and implemented in practice by both communities' and LPAs³².

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

As argued in the Raynsford Review³³, if the purpose of neighbourhood planning is to offer a democratic and legitimate opportunity for public involvement, then the following components must form part of any process:

- A transparent process of democratic accountability in all decisions, making clear whether this is based on representative, direct, or participative democratic models
- Clear citizens' rights
- Support for communities to participate meaningfully in decisions

In order to deliver on these components, the form, process and timing employed to meet objectives such as digital tools or community engagement in design is essential and should aim to improve the negotiating positions of the local community.

Objective: Levelling up and empowering communities

There needs to be a greater focus on co-production between neighbourhood groups and local authorities through increased funding and resourcing to help align Neighbourhood Plans with Local Plans both in terms of vision and timing.

To support this, Local Planning Authorities (LPAs) need to be up-skilled and resourced in the technical skills required to work effectively with local communities and neighbourhood groups.

³¹ Parker, G.et al., 2020: [Impacts of Neighbourhood Planning in England](#)

³² Ibid.

³³ [The Raynsford Review of Planning, 2018](#)



Through participatory processes, LPAs should be able to ensure communities are informed and facilitated well so the local vision for a place is widely understood.

Genuine community engagement is not a static snapshot in time at a particular stage of the planning process. Engagement needs to happen from the place-visioning stage before a draft local plan is put together through to the development management stage.³⁴

To contribute to the levelling-up agenda, planning reforms need to consider how neighbourhood planning can work outside small rural villages in more deprived urban environments. One way of supporting this is to spread the burden of the process across local authorities, consultants and neighbourhoods rather than relying too heavily on volunteers.³⁵

Objective: Reflecting community preferences about design

Communities should be engaged on design at both site specific and neighbourhood level and on a wide range of design issues such as access, cycling and walkways, provision of green space, landscaping, density, massing, layout, materials and building design³⁶.

There are a number of good examples of community engagement on design principles from across the UK and internationally. As highlighted in the RTPI Scotland report 'Linking People and Places' Community Design Charrettes are a good way of getting city officials, architects, planners, transport engineers, recreation officials and other stakeholders to work with the local community to create a community-led design and implementation plan for a local area³⁷. These differ from traditional community consultation in that they are design-based. Place Studio has also produced interesting analysis about communities and councils preparing Local and Neighbourhood Plans³⁸. The Cam Neighbourhood Plan and Design Code which was produced with the local community was shortlisted for a 2020 RTPI South West Research Awards for excellence.

Design Panels used in Japan can also offer some lessons in community engagement on design at the pre-application stage and how community 'design rules' can be used to soften rigid or inflexible national building codes³⁹.

Objective: Increase the use of digital tools in neighbourhood planning

We support the move to greater use of digital tools within neighbourhood planning however this would need to be supported by non-digital methods to ensure people are not excluded from engaging and that trust is fostered.

Improved accessibility to data and standardised evidence bases could make neighbourhood planning easier and more efficient. Currently there is limited information on sharing of existing

34 Ibid.

35 Ibid.

36 Parker, G et al., 2020. [Entangling voluntarism, leisure time and political work: the governmentalities of neighbourhood planning in England](#)

37 RTPI Scotland, 2016: [Linking People and Places](#)

38 Place Studio: [Securing Locally Distinctive Design](#)

39 Parker, G. and Arita, T., 2019. [Planning transparency and public involvement in pre-application discussions](#)

data sets which makes it difficult for neighbourhood groups when gathering evidence for their local plans. It would be helpful to create a platform which hosts this information, which communities could access relatively easily to feed into the evidence base of their plans, making them as robust as possible.

Publishing draft neighbourhood plans in a web-accessible format (e.g. HTML), so that they are more easily readable, regardless of the device would also improve the process. Linked to this, neighbourhood plans should be more interactive with links throughout the document, making it easier to navigate to individual policies or sections. This will speed up the time it takes to navigate documents and could result in greater community engagement. As part of this, where a policy relates to an evidence base document, hyperlinks could be provided to allow the reader to easily navigate to the relevant information.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Yes.

More than 380,000 homes granted planning permission between 2011 and 2019 remain unbuilt – accounting for 40% of all homes with planning consent in England⁴⁰. Simply granting additional permissions could undermine much needed delivery on well-located sites.

We welcome proposals to make information on controlling interests in land more transparent⁴¹. It is necessary for local authorities to have access to more robust information, especially to understand concentrations of ownership around towns and cities. Where land ownership is highly concentrated, increasing the volume of permissions may do little to increase and diversify supply.

Faster build-out relies upon diversification in the housebuilding market - not just SMEs, but direct delivery by local authorities and housing associations who can maintain supply throughout cycles in the housing market. The RTPI has studied the role of local authorities in both directly building houses and acting as the project leads and promoters for housing schemes generally⁴². This also requires more active intervention by government in the land market (see Q5).

⁴⁰ Shelter, 2020: [40% of homes granted planning permission go unbuilt](#)

⁴¹ See our upcoming response to the MHCLG consultation on transparency in the land market

⁴² RTPI, 2019: [Local Authority Direct Delivery of Housing II - Continuation Research](#)



Pillar Two: Planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area?

The Housing Design Audit for England demonstrated that housing design quality is not high in England⁴³.

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

Much of the White Paper focuses on sustainability in terms of design and building standards, which we discuss in Q17. While we welcome the commitment to a Future Homes Standard (FHS) it is unacceptable that new homes built today must rely on the decarbonisation of the grid to reach net zero. Our response to the FHS consultation⁴⁴ recommended that the implementation date for the FHS is brought forward, with the standard placing a greater emphasis on maximising fabric efficiency and lifecycle emissions, and the ability for local authorities to set higher energy efficiency standards than national policy. These recommendations are supported by other professional bodies including RIBA, CIBSE and others.

However, there is no mention of how planning reform will deliver sustainable settlement patterns. This is especially critical in the context of achieving net zero carbon transport emissions, where radical changes are needed to reduce travel demand, maximise accessibility by sustainable modes of transport, and facilitate the use of alternative fuels. The scale of the challenge is considerable: upcoming RTPI research will show that many areas of England will struggle to reduce transport emissions at the scale and pace required, even with ambitious standards for new development⁴⁵.

RTPI research provides evidence that larger and more compact settlement patterns support economic productivity by reducing the distances between homes and jobs and making efficient use of existing infrastructure networks. Settlement patterns and urban forms that promote sustainable mobility are also needed to reduce transport emissions, with larger settlements, higher densities and mixed land uses reducing the need to travel by car. Larger settlements with higher densities and mixed land uses also improve public health by increasing physical activity, which helps to address the prevalence, severity and cost of chronic lifestyle-related diseases. Compact, medium density, mixed use and public-transport friendly settlements can encourage

⁴³ Place Alliance, 2020: [A housing design audit for England](#)

⁴⁴ RTPI, 2020: [Response to the consultation on the Future Homes Standard](#)

⁴⁵ RTPI, 2020: [Place-based solutions to net zero carbon transport: the role of spatial planning](#)



continued physical activity, economic participation and social interaction for an ageing population⁴⁶.

It is therefore critical that revised national planning policy supports the settlement patterns described above, and provides clear grounds to refuse applications which contribute to sprawling and dispersed patterns of development. Achieving this requires a combination of strong national policy, financial incentives and strategic planning as described in Q6 and Q7b.

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

Yes, except for Proposal 17.

We support a greater role for national and local design codes, which can improve the quality and sustainability of new development by supporting early engagement and the flow of information between local authorities, developers and infrastructure providers. However, they should not be so prescriptive as to stifle innovation. We recommend the following steps to ensure effective and consistent use:

- **The use of site-specific design codes followed by design review.** The local authority-wide design codes that are proposed in the White Paper are very unlikely to deliver the significantly enhanced design outcomes that the paper seeks. To achieve that there is a need for a site-specific creative process that only site-specific codes can deliver. They have the advantage that they can also be produced incrementally as and when sites come forward for development. In this way communities can also be engaged in their production, something unlikely to happen for more abstract generic codes covering whole boroughs.
- **Coordinating codes** as paired back codes are simpler and easier to produce and could be produced in-house within an LPA. They combine elements of analysis, with a basic design framework for sites and key coding of the fundamentals. They can be used on sites large and small, but for large sites will most likely need to be followed up with more detailed coding for key phases of the project. It is encouraging to see them referenced in the White Paper.
- **Integration with highway design:** Highways Authorities should be required to adopt Manual for Streets or an equivalent place-led local approach that delivers exemplary highways design. Designs must take advantage of the very highest levels of service by walking, cycling, shared and public transport modes, and ensure that sustainable travel choices are viable for the widest range of journeys.
- **Integration with net zero carbon:** Design codes should minimise requirements for heating, cooling and power through influencing density, layout and orientation, building fabric and onsite technologies. Codes should reduce lifecycle carbon by promoting the use of construction materials with low embodied carbon, using Modern Methods of Construction (MMC) and promoting adaptable building typologies.

⁴⁶ RTPI, 2018: [Settlement patterns, urban form and sustainability](#)



- **Integration with environmental net gain:** Design codes should support the principles of Integrated Water Management⁴⁷ and the delivery of blue/green infrastructure, including multifunctional sustainable drainage systems (SuDS). The Building with Nature benchmark provides an example of the ambition required⁴⁸.
- **Sufficient time and resources** for local authorities to invest in the preparation of design codes, including in-house design skills.
- **Monitoring and enforcement:** Design review panels should be the key mechanism, with every LPA required to have a design review panel whose role it is to monitor the delivery of projects both through formative reviews on design proposals and summative reviews on schemes as they are delivered. The Housing Design Audit revealed these were the second most effective tool at delivering urban design quality. We agree that design review should be a requirement for all major development proposals.

Other measures to monitor delivery should include:

- Robust Post-Occupancy Evaluation measures to monitor the performance gap, with a blended approach of BIM (Building Information Model) and site visits by planning professionals (with councillor visits also encouraged). The results of monitoring work should inform the Local Plan review.
- The status of codes must also be clarified in a revised NPPF to ensure they are fully enforceable through remedial action, with Enforcement Officers involved in the early stages of development to ensure they understand key elements of design.

Examples

The following are examples of design guides and codes prepared by local authorities which reflect the proposals envisaged by the White Paper:

- Nottingham City Council, [Design Quality Framework](#)
- Northumberland National Park Authority, [Local Development Framework Design Guide](#)
- South Tyneside Council, [International Advanced Manufacturing Park Area Action Plan](#)
- Leeds City Council, English Partnerships, [Allerton Bywater Design codes](#)
- Essex County Council, [Essex Design Guide](#)
- [Beaulieu Park, Chelmsford / Large Settlement Development](#)
- [Greater Cambridge Sustainable Design and Construction Supplementary Planning Document](#)
- Manchester City Council, [Residential Quality Guide](#)
- The [Somerset and West Taunton Design guide](#)

⁴⁷ CIRIA, 2019: [Delivering better water management through the planning system](#)

⁴⁸ [Building with Nature](#)

Heritage

Proposal 17 in the White Paper, regarding architectural specialists, would result in a loss of public accountability of what are often challenging assessments, with potential inconsistencies in assessment from diverse consultants in the same local area. Such an outcome would harm public confidence in the planning system. There is also the potential loss of institutional knowledge if work is not carried out by the local authority and the research and assessments not saved within Council filing systems.

We also suggest that World Heritage Sites (WHS) be given statutory recognition in any new planning system, similar to that of other environmental and heritage designations. WHS's are the nation's premier heritage sites, which the Government, as a State Party under the World Heritage Convention, has an obligation to protect.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes.

We welcome the commitment in the White Paper to bring a new focus to design and sustainability. An RTPI survey and report found that 87% of planners want to be able to have more say in design, and planners need the policy levers to reject bad design⁴⁹.

Quality design should be a key factor in formulating and implementing planning policies, given that it can help to: improve health; create more environmentally sustainable places; attract investment; and support civic pride – all are key factors in place shaping.

It is encouraging too, to see an acknowledgement that delivering on the Government's design agenda will require both increased resourcing of LPAs and up-skilling of the profession. The hollowing-out of design capability and understanding within local government and stop-start policies have had their consequences on the urban design agenda. A practical consequence of this is that many local authorities do not have a design officer, or urban design officer to comment on planning applications. There is a growing realisation now that unless communities have confidence that the product is good (which translates as, 'I want to live there'), there will be continuing resistance to new residential development – at almost any scale.

A new body to support design coding and building better places

We support the commitment to deliver a new design body in principle, however details around how the body works in practice and critically supports LPAs delivery of improved outcomes on design are critical. Ultimately delivery has to be local and the overriding principle must be to support LPAs achieve high quality design. Experience from around Europe suggests that a small and agile team nationally can have a huge impact, but only if they reach out to work with an inclusive network of local partners.

⁴⁹ RTPI, 2019: [Planning and Design Quality](#)



We suggest the following approach to the new expert body and through the RTPI Urban Design Network, are ready to support the Government in delivering a body that supports promotion of the design and placemaking agenda and suggest the body is organised as follows:

- An arms-length new agency of Government
- Sponsor department: MHCLG
- Secondary departments: DfT, BEIS
- Board: ministries, Homes England, LGA + industry, professional institutes, design governance service providers, university and civil society representatives
- Funding: a rolling 5-year commitment
- Capacity: enough to harness national expertise in a concerted and directed manner
- Part of the remit for the body should also be to facilitate the promotion of design quality into places over time.

Crucially, any new body should not try to impose oven-ready solutions on LPAs and models, but instead should seek to work with them to build their own capacity and approaches that are right locally and that have local buy-in.

The body should deliver the following functions:

- Support should primarily be targeted at LPAs. A practical consequence of the hollowing-out of design capability is that many local authorities do not have a design officer, or urban design officer to comment on planning applications. Guidance and assistance should also be available for those across the built environment profession.
- Compile the vast resource of published material available for assisting the development sector in ensuring design quality in the built environment on a single web site.

Taking inspiration from European examples for how existing local and national expertise could be harnessed through a networked approach in England:

- **In Germany**, the Baukultur Reports are published by the Federal Foundation of Baukultur. They engage with a wide range of stakeholders in analysing the built environment and make recommendations with their reports submitted to the Federal Cabinet and the Federal Parliament⁵⁰.
- **In the Netherlands**, the Architectuur Lokaal Foundation College van Rijksadviseurs Archieven⁵¹

The network of interested parties in England is complex and includes 'delivery partners' (e.g. Design Network), 'representative bodies' (e.g. RTPI, HBF) and 'knowledge partners' (e.g. universities). The new body should not attempt to corral these diverse parties, but should positively engage them in a 'hub and spokes' model.

Chief officer for design and place-making

⁵⁰ Baukultur Reports

⁵¹ Architectuur Lokaal Foundation College van Rijksadviseurs Archieven



We welcome the Government's proposal that each authority should appoint a chief officer for design and place-making, and recommend that the role of chief officer for design and place-making be filled by a Chartered Planner.

RTPI research has shown the wide-ranging benefits of having a chief planner at the top table in local authorities⁵². Planners are the collaborators. They can ensure that the spatial implications of other local authority functions are considered, better informing planning decisions and local plans and making the system more effective. The training that a planner has is fundamentally about making connections and seeing the bigger picture; these are invaluable skills to add into corporate discussions. The Chief Officer could play a key coordinating role in delivery of the integrated strategies for the economy, infrastructure and environment as part of a place based approach.

In addition we suggest:

- A local authority Cabinet member should have a design remit to complement the chief officer position.
- This needs to be accompanied by more placemaking capacity.
- That Government work in partnership with sub regional design networks to meet the challenges of delivering a quality lead officer in the 347 LPAs in England

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes, however this needs to go further. Research from Transport for New Homes found that some new developments supported by Homes England have seen infrastructure investment targeted at new or expanded road networks, which run the risk of increased patterns of car use⁵³. Public money should only be used to support delivery of exemplar schemes that push the boundaries of sustainability, deliver truly affordable housing, and support the levelling up agenda.

20. Do you agree with our proposals for implementing a fast-track for beauty?

We are not convinced.

Schemes which comply with provisions in the plan and site-specific design codes should find an easier route through the planning system, however good design and speed are rarely compatible. Good design invariably takes time, but this allows for public engagement which builds support for development, and helps to create more functional and sustainable *places*. Relying on tick-box approaches to design has never delivered enhanced outcomes, as the limited impact of tools such as Building for Life shows. Architectural form (including the number and size of homes, and the quantum of open space) cannot determine wellbeing without

⁵² RTPI, 2018 and 2019: [Chief Planning Officers](#)

⁵³ Transport for New Homes, 2020: [Garden Villages and Garden Towns: Visions and Reality](#)



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reference to wider concerns around place-management, transport and jobs, and the need for community empowerment and agency.

How places function must be at the heart of planning, before any consideration of the aesthetics of individual buildings, or the system will simply deliver more of what we have seen from the most recent round of planning de-regulation such as tiny living spaces prone to overheating, poor energy performance and car dependency due to lack of public transport and active travel provision. It is also unclear how a robust environmental assessment will be applied to developments which are “fast-tracked” for beauty and whether national design codes will reflect varying local environmental considerations

We set out our concerns on the use of Permitted Development (PD) in a joint letter in July 2020⁵⁴. It was therefore encouraging to see recent confirmation that homes delivered through permitted development rights will need to meet minimum space standards. However, many problems remain with the increased use of PD. For example, the location of homes in highly unsuitable places and that there is no requirement for any access to public or private open space, or balconies despite lessons learned from the pandemic.

⁵⁴ RTPI, 2020: [Planning permission vital to protect vulnerable people](#)



Pillar Three: Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what comes with it?

This question appears to be directed to the general public.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No.

While the concept of a consolidated Infrastructure Levy has some appeal, our analysis suggests that it could create an equally complex system with a different set of risks. Given the lack of detail in the White Paper, we cannot support this proposal as currently worded. This section sets out our concerns and recommendations, and we welcome the opportunity to explore these further with the government.

Concerns with the proposed Infrastructure Levy

- It does not replicate the critical ability of S106 to set contractual arrangements between local authorities and developers around a wide range of issues, in a way that is flexible and responsive to local needs. In addition to affordable housing and infrastructure, this includes local employment and training programmes, the provision and maintenance of open space, participating in carbon offset programmes, the production of transport and construction logistics plans, and commitments around the phasing of development and participation in local infrastructure coordination initiatives.
- A single national Infrastructure Levy could not address the significant variations in market values across the country. This could undermine the levelling up agenda unless mechanisms were in place to redistribute income, which would complicate the process. Variable Levy would be preferable, but would again fail to account for the differences between types of site within a locality, and add complexity to the plan-making process (see Q22b).
- By introducing First Homes and prioritising developer contributions for affordable homes, it perpetuates the likelihood of trade-offs between infrastructure and affordable housing (see Q24a and Q25).
- By levying at the point of occupation, it introduces uncertainty about how the value-based minimum threshold would be applied in practice, and exposes affordable housing and infrastructure to market volatility which could affect delivery (see Q24a and Q25).

- It places responsibility on local authorities to deliver infrastructure in a timely way to support construction, at a time when many are experiencing severe resourcing and skills shortages. Existing liabilities, exacerbated by Covid-19, could restrict the ability of local authorities to borrow against Levy receipts (see Q22d).

The opportunity costs of change

We recognise that S106 and CIL are complex and in need of reform. But despite their flaws, there is an emerging understanding between local authorities and developers around the current system. S106 negotiations can help to speed up development by finding creative solutions to site-specific issues, offering flexibility that a fixed Levy contribution could not. In addition to the important contractual obligations described above, S106 agreements also support public awareness of the relationship between a specific development and local infrastructure improvements.

Some of the problems have already been addressed by the Planning Practice Guidance published in 2019, and requirements for Infrastructure Funding Statement in the 2019 CIL regulations. Many local authorities have set variable CIL rates which would have to be abandoned in favour of a locally-specific Infrastructure Levy.

Some of the issues identified in the White Paper could be addressed through incremental reform, such as by strengthening the primacy of national and local planning policy to reduce the scope for S106 negotiation, as attempted through the London Plan. CIL could be simplified by consolidating the existing regulations, and strengthening and standardising Infrastructure Delivery Plans as part of a digital web-based Local Plan (see Q11). A clear national formula for calculating CIL based on market values would help local authorities which have not implemented CIL, or a default national Infrastructure Levy, set at a low rate.

Wider reforms

The proposal for a single Infrastructure Levy is the most recent in a long line of reforms, many of which have resulted in additional complexity.

This perpetual state of reform stems from a reluctance to address the growing dependence on developer contributions to fund affordable housing and infrastructure, set against a generally falling level of national investment. To realise the benefits of a simplified Infrastructure Levy, wider changes are needed.

Instead of focusing on a new Infrastructure Levy, government should instead aim to reduce dependence on developer contributions in favour of a return to proper public subsidy through direct provision for housing and access to land

While S106 has provided a valuable source of income for affordable housing, it is clearly insufficient to meet actual needs. Over the past five years it has accounted for over 80,000 affordable homes, or 46% of the total, including around 13,500 homes for social rent, or 52% of the total. However, this remains far below the actual need for 145,000 social homes each year, including 90,000 for social rent, as recommended by the CLG Select Committee and National Housing Federation⁵⁵.

⁵⁵ CLG Select Committee, 2020: [Building more social housing](#)

There are logical reasons for using developer contributions to fund affordable housing on the grounds of ensuring equity, especially where planning constraints restrict supply and increase both land and property prices (Crook & Whitehead, 2019). However, there are also well-recognised problems with this approach. Reliance on S106 also exacerbates the cyclical nature of housing markets, raising more in attractive housing market areas during boom times, while exposing social housing providers to market risks during downturns. This undermines the 'levelling up' agenda while failing to meet national housing need.

The Infrastructure Levy would do nothing to address the growing dependence on developer contributions as the primary mechanism for delivering affordable housing through planning. But despite the ambitions of the White Paper, it is difficult to see how this change would deliver the increased investment the government wishes to see.

The CLG Select Committee have estimated that meeting actual need would cost an extra £10bn in capital grant per year. Shelter have set out a 20-year programme which accounts for savings, and could cost as little as £5.4bn in the most expensive year. This could be raised through tax reform as proposed by the Mirrlees review, including council tax, business rates and stamp duty⁵⁶. Providing proper public subsidy at this level would have the following benefits:

- More grant funding to housing associations and revenue subsidy for local authorities would support more diverse delivery, which is especially important for maintaining supply during economic downturns when affordable housing might otherwise suffer.
- It would enable local authorities to set lower and more consistent policy requirements for affordable housing in a targeted manner, for example to support SMEs or incentivise brownfield regeneration. Policy certainty would make it easier to price land.
- It would speed up development generally, as CIL is non-negotiable and affordable housing is generally the only part of S106 subject to negotiation on quantum and therefore most varied across developments.
- It would also allow for the introduction of higher sustainability standards for new development and result in greater Levy contributions for infrastructure, both of which will undoubtedly be required to meet net zero carbon targets and other commitments.

Local Plans would need to be strengthened to capitalise on the benefits of this additional funding. Firstly, an improved methodology and assessment process would be required to determine housing need and inform allocations for affordable housing in Local Plans (see Q8a). Local Plans should then contain a designation for affordable housing use associated with specific allocations that reflect the scale of local need. The provision of sites for affordable housing should be protected when implementing the plan, with reform of the Use Classes Order to enable all types of housing land for development to be controlled in the same way as for retail and employment uses. Planning policies, masterplans and design codes must continue to require tenure-blind developments and mixed communities, regardless of the funding source⁵⁷.

Local authorities could also play a much greater role. Reforms to the 1961 Land Compensation Act would allow local authorities and development corporations to purchase land at a fairer price, capturing the value uplift by trading land at full market value. Alternatively, and building on

⁵⁶ [Mirrlees Review, 2011](#)

⁵⁷ See the recommendations in RTPI, 2019: [Local authority direct delivery of housing](#)

the recommendation of the Letwin Review, Growth areas could be designated as development corporations, with masterplans that specify a diversity of housing tenures and a high proportion of affordable housing and infrastructure investment where viable. This could significantly reduce land values in high-demand areas.

These changes would enable developer contributions to focus on funding the infrastructure needed to accelerate the transition to net zero carbon, among other priorities

Many parts of England suffer from a serious infrastructure deficit, with significant investment needed to achieve net zero carbon, support healthy and sustainable patterns of movement, improve the environment and increase resilience to risk (see Q16). Secure and guaranteed long term investment is also clearly needed to recover from the impacts of Covid-19.

A revised NPPF and new design codes will need to set a high and consistent bar for sustainable development, with developer contributions targeted at the deficits identified in Infrastructure Delivery Plans. Clear policy requirements would help to suppress the increase in land values that might otherwise result from reducing requirements to fund affordable housing through S106.

Even with the changes above, which would enable greater spending of Levy receipts on infrastructure, there is a need for greater certainty about national infrastructure funding. If the Infrastructure Levy does go ahead, blending funding for affordable housing and infrastructure, then there must be much closer integration of the national affordable housing programme, funded national and sub-national infrastructure strategies, national and local planning policy, and the Infrastructure Levy rate. This will help to secure clarity on what is needed, what should be secured through on-site Levy provision, and what funding is available from wider sources. This clarity will help developers and land promoters decide what to pay for land. The National Infrastructure Strategy and Devolution White Paper must provide local authorities with multi-year financial settlement which enables them to properly plan to meet infrastructure needs, matching Levy receipts to stable sources of funding.

The current approaches used to determine the business case for investment in transport and utilities infrastructure are also in need of reform. In transport, there are well-documented problems with an appraisal process that see critical issues such as carbon, health, social balance and environmental quality being undervalued⁵⁸. In the regulated utilities, the duties placed on providers need closer alignment with planning⁵⁹. Addressing these issues would help to direct infrastructure investment towards solutions which support the ambitions of Local Plans.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Locally.

The concept of a single national Infrastructure Levy rate is appealing, on the grounds of consistency and reducing the burden on local authorities. However, this would ignore the

⁵⁸ See TPS, 2020: [State of the Nations](#) and CIHT, 2019: [Better Planning, Better Transport, Better Places](#)

⁵⁹ RTPI and GLA: [Planning for critical infrastructure in London](#) (to be published in November 2020)



significant variations in market values across the country, as the following examples demonstrate:

- If the rate is set high enough to match or exceed current contributions for affordable housing and infrastructure in higher-value areas, like London and the South East, then this would undermine viability in lower-value parts of England, and on previously developed land. This could prevent development from coming forward in sustainable locations and areas in need of regeneration, or exempt development from Levy payments and undermine the sustainability of development. This would be a particular challenge in low-value areas which often suffer from an infrastructure deficit. In areas with a high volume of marginal development there would be significant uncertainty around the provision of affordable housing, with small changes in market conditions triggering the 'flip' to market housing (see Q24a)
- If a single low rate is set to support development viability, then it would fail to raise sufficient contributions in higher value areas which often suffer from serious affordability pressures and a lack of infrastructure capacity to accommodate growth. This would also increase land values on greenfield sites and potentially further incentivise unsustainable patterns of development.

To support the levelling up agenda, a single national rate would then require a mechanism to redistribute income, undermining its value as a tool for mitigating the impact of development. This would be better achieved through other processes of taxation.

Local variation is preferable, but this would again struggle to account for the differences between types of site within a locality. These challenges already exist with CIL and were noted in the 2016 review which said: “... *the strategic nature of CIL results in a lowest common denominator approach that does not necessarily produce as much as Section 106 would have done for some sites, even in situations where it raises more generally.*” This lack of flexibility means that many local authorities do not levy CIL at all.

These problems would be exacerbated under a single Levy which also covers contributions for affordable housing and site-specific infrastructure. These costs are highly variable, influenced by factors such as location, existing and planned infrastructure, topography and morphology, contamination and design requirements. Setting a single Infrastructure Levy rate for a local authority at plan-making stage, which covers infrastructure *and* affordable housing, and works across different land uses and development types, and would prove highly complex and potentially slow down plan-making (see Q12).

As described in Q22a, S106 provides a flexible way to bring development forward which can account for this complexity, especially on sustainable sites which often generate the smallest uplifts in land value. A reduction in flexibility, coupled with a move towards rules-based policy and binding design codes, could make this even harder. In order to meet binding housing targets, it could force local authorities to designate sites in less sustainable locations where delivery is easiest, rather than where the need is.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?



While we support greater investment in affordable housing and infrastructure, the proposed Infrastructure Levy would struggle to achieve this given the issues we have raised in Q22a and 22b. An increased proportion of investment will need to come through central government spending funded through taxation. See Q24a for further details on the affordable housing component.

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

Yes.

Local authorities should be able to borrow against developer contributions to forward fund infrastructure and support sustainable development. They can already borrow against business rates, and the power to borrow against CIL receipts is already provided for in the original CIL regulations but has not been activated.

However, barriers will exist in practice. Few local authorities currently borrow against Business Rates due to their lack of control over the final value, and the risks posed by borrowing. The proposed Levy would substantially compound the problems here. Given the widely acknowledged problem of slow build-out rates by developers, local authorities would face very substantial risks when borrowing, with the Treasury potentially having to underwrite loans. Yet central government has only recently raised concerns about local authority borrowing, for example to purchase shopping centres.

The precarious financial position of many local authorities, coupled with the additional impacts of Covid-19, and the lack of control over changing property values, may therefore limit uptake in practice. Government intervention will be required to de-risk borrowing, including a proper financial settlement for local government, and investment in financial and technical capacity. Local Plans will need a robust, digitised and standardised Infrastructure Delivery Plan which identifies need and supports project management.

If these issues are not addressed, then the shift of responsibility to local authorities could frustrate developers who wish to build infrastructure themselves.

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

Yes.

Permitted development (PD) is already subject to CIL, and any future approach should continue to capture developer contributions from all forms of development. However, PD should be rescinded in the case of offices to residential, or at least significantly reformed.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

As with our response to Q22c, we support greater investment in affordable housing and infrastructure, but are concerned that the proposed Infrastructure Levy would struggle to achieve this objective. An increased proportion of investment in affordable housing, especially for social rent, must come through central government spending funded through taxation.

We are concerned that the Infrastructure Levy as proposed could raise less funding for affordable housing. If the value of a completed development is less than the valuation made when granting permission, and Levy liabilities are insufficient to cover the value secured through in-kind contributions, then the White Paper proposes that the developer can 'flip' a proportion of affordable homes to market homes for sale.

There are numerous reasons why this change in value might occur, even with local variation in Levy rates, due to site-specific constraints that could not be identified at plan-making stage, or market volatility. In this instance, it is important that contributions for affordable housing are not reduced. Instead of the 'flip' to market homes, developers should - with the right evidence - be able to access the necessary subsidy to ensure that delivery of affordable housing is maintained. This would require an expanded Affordable Housing grant funding programme as described in Q22a.

The same principle should apply for development in areas where land value uplift is insufficient to support significant levels of land value capture, and some or all of the development is below the proposed threshold and not subject to the Levy. Exemption from the Levy would enable the development to proceed, but would provide no mechanism for the local authority to mitigate impacts on local infrastructure. Viability assessment at the plan-making stage should determine the proportion of development that is likely to be exempt from the Levy, to justify national grant funding for affordable housing and infrastructure.

We do support the aim to provide affordable housing on-site to support mixed communities, and for LPAs to specify the mix.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

No comment at this time.

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

Yes.

There is a risk that overpayment on affordable housing could reduce the amount of funding for infrastructure.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Yes.

Planning policy, guidance, masterplans and design codes must support affordable housing quality, including tenure-blind developments that support mixed communities.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

No.

If the Infrastructure Levy is introduced, then receipts should be ring-fenced for local infrastructure and affordable housing. However, this should be flexible enough to enable revenue spending on infrastructure planning and coordination within local authorities, as the current CIL administration fee permits. We do not support the use of developer contributions for wider spending, such as reducing council tax, as suggested in the White Paper.

25(a). If yes, should an affordable housing ‘ring-fence’ be developed?

Not sure.

Ring-fencing affordable housing would support delivery, but in the absence of increased funding from other sources, this could result in investment being reduced for vital infrastructure.

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

The proposals set out in the White Paper could have significant impacts on groups with protected characteristics. In our *Plan The World We Need* report, we highlighted the disproportionate impacts of Covid-19 on people from Black, Asian and Minority Ethnic (BAME) backgrounds, and the impact of the built environment⁶⁰. Planning reforms should be accompanied by an assessment of impact on different BAME communities, with strategies that influence policy and legislation.

The RTPI recognises that more diversity is needed in planning, to reflect the communities it serves. Our CHANGE Action Plan⁶¹ was developed to highlight and promote equality, diversity and inclusivity in the profession, with objectives and milestones that target leadership and culture and attracting and retaining diverse talents. The resourcing and skills strategy should address matters of diversity in the profession, and put resources into programmes that support this, including our Action Plan.

⁶⁰ RTP, 2020: [Plan The World We Need](#)

⁶¹ RTPI, 2020: [Change Action Plan](#)