



The countryside charity
Leicestershire

PROPOSED GOVERNMENT CHANGES TO THE PLANNING SYSTEM

A Guide from CPRE Leicestershire

WHAT IS HAPPENING?

- The Government has put forward proposals for major changes in the Planning system in England. These are set out in two documents: *White Paper: Planning for the Future* and a technical document, *Changes to the current planning system*, the first of which is still the subject of a public consultation that concludes on the 29th October.
- *Planning for the Future* presents what the Government claims is a vision for a modernised and simplified planning system. Alongside this, *Changes to the current planning system* sets out some technical proposals for more immediate changes, of which a revision of the standard methodology for assessing housing numbers has received most attention.
- However, these proposals have encountered strong opposition and criticism from a wide range of housing, planning and environmental organisations, especially CPRE nationally and locally here in Leicestershire.

WHY SHOULD YOU BE BOTHERED?

- The planning system is not perfect and could do with some sensible improvements. But that is **not** what the Government's proposals provide. Instead, they will adversely impact local democracy and curtail the local voice in planning. Furthermore, they will reduce the number of affordable homes that will be built and concentrate housebuilding outside urban areas in rural locations. This is particularly true in Leicestershire where the consequent encroachment on countryside will have lasting damaging effects.
- These proposed changes affect the way the planning system will operate in future and shape the built and natural environment of the cities, towns, villages and countryside of England and the way we travel for decades. What happens in the planning system may seem rather dry and technical. However, in reality, it is crucial to our ability to shape the future of where we live.
- A great deal is at stake. **NOW** is the time for people to get involved and to make their voices heard.

WHAT IS THE GOVERNMENT PROPOSING?

In this section, we provide a summary of the proposals on which our attention is focused. Our views and concerns will be discussed in the next section. The Government's proposals include:

- Changing the planning process to focus local participation at the plan-making stage and limit objection and comment in subsequent decision processes.
- Simplifying the role of the Local Plan by classifying all land into 'Growth Areas' suitable for 'substantial development', 'Renewal Areas' suitable for development' and 'Protected Areas' with protected areas within it.

- Applying different rules and procedures to each of these areas:
 - Areas identified for development in 'Growth Areas' will be automatically granted outline planning consent for the principle of development. Full permission would be achieved through streamlining of the detailed approvals process with regard to the specific issues and include the application of good design codes.
 - In 'Renewal Areas', there will be a statutory presumption in favour of development for uses suitable for each area.
 - 'Protected Areas' would include areas such as Green Belt, Areas of Outstanding Natural Beauty (ANOBs), National Parks, Conservation areas, Sites of Special Scientific Interest (SSSIs), Local Wildlife sites, areas of significant flood risk and important green spaces as well as open countryside not included in the Growth and Renewal areas. Protected Areas would be subject to more stringent development controls to ensure sustainability and planning applications would continue to be decided by the local planning authority, subject the National Planning Policy Framework (NPPF).
- Reducing the content of Local Plans, in particular the deletion of development management policies and enhanced reliance on the NPPF as the primary source for any development management decisions made by local authorities.
- Shortening the local plan process to 30 months including a statutory timetable for 5 key stages and limiting 'meaningful' public engagement to two of these stages.
- A nationally set target of 300,000 homes per annum, a new standard methodology for calculating the housing requirements, and mandatory nationally set housing targets for each authority to achieve.
- Emphasis on high quality development based on pattern books and the use of national and local design codes together with a 'fast-track for beauty' scheme and community involvement in the preparation of local design codes.
- Increased use of new digital technology to produce visual and map-based local plans, to enable access to planning data and to create 'new digital civic engagement processes'.
- The retention of Neighbourhood Plans as an important means of community input.
- Replacement of Section 106 agreements and Community Infrastructure Levy (CIL) with a new nationally set Infrastructure Levy based on the final value of a development as method for securing developer contributions to infrastructure and essential services.
- Roles for the new style planning system in mitigating and adapting to climate change, maximising environmental benefits, improving energy efficiency standards of buildings and conserving heritage as well as a simpler environmental and sustainability assessment framework.

WHAT CONCERNS CPRE?

CPRE nationally is currently engaged in critically evaluating the Government's proposals. Besides many general concerns, the impacts on Leicester and Leicestershire regarding the revised housing requirements methodology and the proposals for Growth, Renewal and Protected areas are issues of particular concern for CPRE Leicestershire.

Overall we are concerned at the way in which the proposals seek to turn the planning system into a 'housebuilding delivery system' while neglecting its other important functions relating to shaping the

built and natural environment and the use of land. This is particularly reflected in the very weak way that *Planning for the Future* addresses the role that planning should play regarding Climate Change as well as Environmental, Biodiversity and Energy issues.

Another worrying feature of the Government's approach is the failure to address more vigorously the fact that a monopoly of large volume builders control the delivery of the number of houses built. As a result 1 million homes with planning permission remain unbuilt awaiting favourable market conditions and genuinely affordable homes have not been delivered.

CPRE fear that proposed changes in rules, procedures and processes with increased Government 'top down' control will result in a more complicated and confusing system in which the local voice is hardly heard thus seriously undermining local democracy.

Here are some of our more specific conclusions:

LOSS OF LOCAL DEMOCRACY

- The Government's proposals for streamlining and simplifying the planning system represent a serious loss of local democracy. "It is now clear that a key policy of the new system could remove the right of residents and constituents to have a say on developments, effectively halving the democratic input in the planning process", Crispin Truman, CPRE CEO in *The Times*, 24 August 2020.
- Government aspirations to simplify and speed up Local Plan making appear directly at odds with a declared aim of encouraging greater public engagement in the process.
 - The proposed 30-month timetable for developing new style Local Plans allows for public and stakeholder comment at the point when the Local Planning Authority submits the plan to the Secretary of State. How the public's right to be heard will be exercised is then at the discretion of the Examination Inspector.
 - Accordingly, the abbreviated 6-week consultation period will be the only opportunity for the public to engage with the process and to comment on the plan.
 - A window for possible engagement in the opening stage of the plan process is likely to be limited in practice. The Local Planning Authority will call for suggestions for areas under the three zones and for where development should go and what it should look like. This is more likely to be an exercise in identifying sufficient sites to meet the mandatory top down quantitative housing targets rather than an opportunity to help shape a spatial vision for the area.
 - Compared with the existing Local Plans, the consultative processes will be pared down greatly. An important stage in the current process is the opportunity to comment on a draft plan before the final submission plan is drawn up. This consultation stage will be dropped from the new style process.
 - Prioritising public engagement into the Local Plan process is an admirable concept but cynically overlooks historic public confusion and apathy regarding the preparation of Local Plans. The proposed new processes are unlikely to encourage meaningful public engagement and may diminish participation. This may well result in expensive and delaying legal challenges regarding specific applications.
- Any increase in public engagement in the plan making process, which is highly doubtful in light of points just made, will be accompanied by less opportunities to comment on specific developments as they pass through the planning system. Changes, such as automatic outline permissions, presumptions in favour of development, permissions in principle, will strip local people of their voice in planning applications and remove their ability to object to specific developments at a time when their effect on them is most apparent.

- Ultimately all this undermines the local voice and increasingly favours developers.

CLIMATE CHANGE, ENVIRONMENT, BIODIVERSITY AND ENERGY

- Consideration of these in *Planning for the Future* is minimal and aspirational rather than specific. In addition it calls for simpler frameworks for assessing environmental and sustainability impacts and enhancement opportunities. It completely ignores the challenge of Climate Change and the opportunities it presents. It also ignores the transformative impact that Covid 19 is having on the way we work and travel.
- This perhaps is not so surprising, but nonetheless extremely disappointing, as the proposed changes are ultimately about redesigning the planning system around the objective of delivering more profitable housebuilding.
- This can be seen also in the brief attention given to the section entitled '*Effective Stewardship and Enhancement of our Natural and Historic Environment*' and the minimal references to planning for employment or transport and no references at all to minerals, waste and water.
- This lack of ambition can be seen as the target for new homes to be carbon neutral is 2050. Setting zero carbon targets for new development should be a key element of Local Plans and development management policies and should be seen as more urgent.

CENTRALISATION AND LOCAL NEEDS

- The role of the planning system as an instrument of local democracy would be further undermined by two important proposals where greater centralisation is proposed.
- Development management policies currently included in Local Plans set out local standards and criteria against which planning applications for development and the use of land and buildings will be assessed. It is proposed that development management policies are no longer included in Local Plans and that in future Local Planning Authorities rely on the NPPF for these policies. In effect, these would become nationally set policies. As a result:
 - Local communities would have no opportunity to scrutinise development management policies, or to participate in development decisions,
 - Local Planning Authorities would have very little room for manoeuvre to respond to local circumstances, do good local place-based planning and provide local nuance to development decisions,
 - Equally, planning applications will only be judged against national policy.
- The other new element of centralisation is the Government's plan to require Local Authorities to allocate land to accommodate a housing requirement determined nationally. This will represent a shift from the current position where there is some flexibility in implementing the results of the standard methodology to meet local needs. Having to meet set top down housing requirements will constrain the choices available to the Local Planning Authorities in setting the zones in the Local Plan. Imposing a national algorithm without taking account of local circumstances undermines local democracy and local decision-making.

THE 'MUTANT' HOUSING ALGORITHM AND LEICESTERSHIRE

- In its recent consultation document, *Changes to the current planning system*, Government proposed a new housing algorithm and new standard methodology to set out how many homes are built across England and where.

- CPRE has strongly questioned the criteria on which the calculation of the housing requirement is based and the results produced by this algorithm. In CPRE's view, the method is mathematically unsound and strategically counterproductive.
- The application of the new methodology has resulted in figures that represent dramatic changes in their housing requirements for different Local Authorities. Outside of London, authorities in the shire counties have been faced with large increases while there are correspondingly large falls for cities, especially those in the urban north and the Midlands.
- Dramatic changes in the case of Leicester and Leicestershire, involving a major shift between the City and County districts, illustrates this trend:
 - An overall increase of 55% in the housing requirement for Leicester and Leicestershire as a whole,
 - A dramatic shift between Leicester and the surrounding districts with a fall of 35% for Leicester and increase of 104% for the county districts,
 - Blaby (+232%), North West Leicestershire (+221%), Harborough (+125%), Hinckley and Bosworth (+96%) and Charnwood (+48%) face particular pressures with large increases in per annum requirements.
- CPRE Leicestershire is very concerned about these figures and their implications for Leicester and Leicestershire. At a time in August, when the actual results of applying the new algorithm were unclear, it commissioned a report, *The New Standard Methodology for calculating Housing Requirement: Implications for Leicester and Leicestershire*, to investigate further. This report can be viewed at: <http://www.cpreleicestershire.org.uk/resources/cpre/item/2306-report-new-standard-methodology-and-leicestershire>
- This report provided some early evidence of the anomalies thrown up by the new standard methodology and was shared, as part of CPRE Leicestershire's campaigning activities, with our local MPs, Council Leaders and other leading Councillors and with CPRE colleagues.
- In reality, each of these Leicestershire councils will be under considerable pressure to find yet more sites for several hundreds of extra new homes beyond those already planned for. Consequently, the vulnerability of Leicestershire countryside to development will be increased.
- The process of reviewing and updating the standard methodology has produced a huge range of anomalous results, not just locally but throughout England. Shire counties face large and unrealistic targets that will be difficult to achieve except on green field sites in the countryside. Meanwhile, some cities have targets that are below the levels of new homes actually achieved.
- A likely consequence of proceeding with these changes is that developers will prioritise new housebuilding in areas where it will produce the most profitable homes, while failing to address the chronic shortage of genuinely affordable housing.
- CPRE strongly supports the call for this algorithm to be taken back to the drawing board and replaced by one much less damaging to the countryside and better able to deliver new homes, especially affordable homes, where they are needed. CPRE has been working with MPs to try to persuade the Government to do this.
- The intention to make these unsound top-down numbers mandatory and binding on Local Planning Authorities would lock in these anomalous outcomes. In that case, Councils would have little choice but to meet their centrally determined targets.

ZONES AND THE COUNTRYSIDE

- In essence, the Government is proposing a zoning approach in the Local Plans, but refers to the different categories as ‘areas’. We will use the term ‘area’ in referring to the particular categories.
- The proposal for Growth, Renewal, and Protected Areas (zones) raises many concerns for CPRE Leicestershire. These relate to decisions regarding countryside and to the degree of protection it will be afforded.
- Under this proposed zoning system, land allocated for substantial development may be included in the Growth Area. However, various national and local designations, including Green Belt, ANOBs, National Park, SSSI, Local Wildlife site, local green space, National Nature Reserve and conservation area, act as constraints on such sites for their inclusion in the Growth Area.
- This means that it is undesignated open countryside and green spaces that will be in the frame as sites for development in the Local Plan process. Thus areas of undesignated countryside will face the possibility of inclusion in the Growth area each time the Local Plan is reviewed and more sites for development will need to be found. With higher housing targets increasing the pressure for more growth, the vulnerability of this undesignated countryside to development is inevitably increased.
- If not included in the Growth or Renewal Areas, it appears that, as a consequence, areas of undesignated countryside will be put in the Protected Area, at least until the next revision of the plan. In this regard, the ‘Protected Area’ appears to be more of a residual category that in the words of *Planning for the Future*, “would also include areas of open countryside outside of land in *Growth or Renewal areas*” (p. 24).
- All this suggests that there are different layers of protection within the ‘Protected Area’. One is set nationally as nationally designated landscapes are included and another is set locally based on what authorities designate in their local plans. A third is ‘residual’ category of open countryside which is placed in the zone as it is not allocated for growth or renewal.
- It is also unclear precisely how the ‘Protected Area’ protects the countryside outside of areas with national or local designations. For CPRE Leicestershire, it is very disappointing that there is not a more positive attitude to valuing this countryside rather than merely seeing it as a ‘land bank’ to provide sites for future development. A more positive vision is required. Planners and politicians need to better understand the health, heritage, farming and nature value of countryside around large towns and cities.
- Besides adding more complexity to the planning system, automatic outline permission in Growth areas, ‘Statutory presumption in favour’ and ‘Permission in Principle’ in Renewal areas are significantly less open to public scrutiny than the existing planning application process. Rather, in Growth areas, where development included in the Local Plan will be given automatic outline permission, successful developers will then be in the driving seat to shape the resulting development, which will not be subject to further public scrutiny.

VULNERABILITY OF LEICESTERSHIRE COUNTRYSIDE

- CPRE Leicestershire is concerned about the way a zoning system would operate in Leicestershire context.
- Without the protections afforded by major national protective designations, Green Belt, Area of Outstanding Natural Beauty (ANOBs) or National Park, large tracts of (attractive) undesignated open countryside in Leicestershire are vulnerable to development and could be placed in a ‘Growth

Area'. Without these constraints, significant areas of the county are open for inclusion in Growth areas.

- The experience of the Leicester and Leicestershire Strategic Growth Plan (SGP) with its proposals for a development corridor in the countryside east of Leicester perhaps gives us some insight into how this might work out. It was concerning that the countryside was merely seen as a 'land bank' available for development. We fear that the same attitude will underpin thinking about 'Growth Areas'.
- For the undesignated Leicestershire countryside, the key decision therefore is whether it is allocated or not as a 'Growth Area' in the first place. If not, only then will it be allocated to the 'Protected Area'. Rather than being a positive decision to protect it, it is merely a consequence of not allocating it for growth.
- Even then, it is also unclear precisely how the 'Protected Area' protects this countryside, especially as no new designations are suggested by Government for this category of land. It seems that some protection may be provided by the existing, discretionary planning application process.
- We are concerned, yet again, that the importance of much of the Leicestershire countryside will be undervalued, as it was in the SGP. Its contribution to health and well-being, combatting climate change, the enhancement of nature, the provision of food as well as ecological and economic services need to be recognised, particularly in the post Covid 19 world.
- Under the new system of zones and other associated changes, residents across Leicestershire could be faced with the prospect of large-scale new development on their doorstep over which they had little say in the Local Plan process.
- In addition, they will then have virtually no say in the developments that take place in the 'Growth Area' as developments allocated to it would have outline planning permission once the plan was adopted. Details involving good design and site-specific technical issues would be sorted out through 'streamlined and faster consent routes'.
- Together with the proposal to extend 'Permission in Principle' this could mean that large housing sites could be given certainty of planning permission without considering vital implications, such as transport and environmental impacts.

IMPROVING DESIGN STANDARDS

- CPRE supports the Government's aspirations to improve design standards but is extremely sceptical about the extent to which the proposals in the White Paper will achieve the desired improvement. Thinking around this topic needs to be developed much further, particularly about how design issues relate to climate change and contribute to achieving carbon neutral development.
- Giving local communities more say over the design, especially the visual design, of new developments and local design codes however should not be seen as a substitute to enabling them to engage the principles of development. Clarification of how this is to be done is required.
- Given the short consultation timescales set out in the plan-making process, not enough time is likely to be allocated to allow local design codes to be produced. Community involvement has always been an 'undersubscribed' constituent of Local Plan making and these proposals will encourage the imposition of top down standards. In that case it is likely that a substantial

proportion of new development across the country will default to national design codes, over which people have no say.

- Achieving better design, particularly in line with local character and vernacular, is highly dependent of local codes being in place and supported and resourced in practice. Otherwise there is a danger that too many developments, as now, will be characterised by similar house types that are not contextually appropriate.
- The proposals only give minimal attention to the design of non-residential, commercial, infrastructure, public realm and developments other than housing.
- Too much reference is made to poorly-defined aesthetic concepts such as ‘provably popular designs’ and ‘fast-track for beauty’, implying that design quality can be narrowed down to a few aesthetic criteria for the buildings themselves rather than consideration of the interrelationship between how places function and how they look.
- Design standards are not just about appearance. Design codes must set zero-carbon standards, space standards, walkable neighbourhoods and eco-system restoration as key baselines for place-making. It is of deep concern that *Planning for the Future* is so weak on this.

AFFORDABLE HOUSING

- The impact of the changes proposed in the *Planning for the Future* and *Changes to the current planning system* documents for the provision of affordable housing, especially in rural communities, raise serious concerns for CPRE.
- The proposal to exempt, for a period of 18 months, developers of small sites of less than 40-50 units from the requirement to include affordable homes in their development would leave many areas without needed affordable housing.
- The impact of this will be felt most acutely in the countryside and small rural towns, where sites tend to be mostly in the small-to-medium bracket. This means fewer homes that people of lower incomes, including many key workers, can afford.
- First Homes is a Government scheme to provide homes for first time buyers by enabling them to buy with a 30% discount against market value. CPRE does not agree with the plan that 25% of affordable housing secured through developer contributions should be First Homes.
- Prioritising First Homes over other tenures will make matters worse overall for people in need of homes they can afford. Home ownership will never be an option for everyone, so the planning system should work for them as well. This proposal appears to be economically discriminatory.
- Equally the development of exception sites for First Homes will do nothing to secure a lasting supply of genuinely affordable homes in communities where they are lacking. It goes against the purpose of exception sites, which is to enable the provision of affordable homes by using sites that would not otherwise be allowed to come forward through the planning process. The danger of this proposal is that small sites could be brought forward outside the local plan for First Homes, but not for other affordable tenures.
- Our fear is that this combination of proposals will result in a negligible supply of rural homes for social rent or otherwise available to people who cannot afford to buy a First Home.

INCREASED DIGITALISATION AND ONLINE COMMUNICATION

- Enhanced online systems could provide better access to relevant information, data, plans and mapping. Uniform online access programmes across authorities with the opportunities to interrogate and interact with data would be helpful, particularly regarding the evidence on which local plans are based.
- However digital communications must not be reduced to purely tick box surveys but continue to provide opportunities for deeper scrutiny of plans and expression of opinions. This would not be possible if the opportunities for public consultation on Local Plans or developments are curtailed as proposed in *Planning for the Future*.
- Equally, the emphasis on digital communications must not exclude those without smart phones, computers or digital skills, who in the absence of the traditional methods, such as press notices, neighbour letters and notices on lampposts, may not be aware of developments which affect them.
- Government needs to recognise the value of traditional non-digital methods for informing the public about planning matters and how these should be complimentary to newer online systems.

NEIGHBOURHOOD PLANS

- While the White Paper supports the continuation of Neighbourhood Planning, CPRE is concerned that the reality may turn out very differently.
- Neighbourhood Plans form part of the statutory Development Plan. New-style Local Plans, top down housing requirements and no locally set development management policies, could render existing Neighbourhood Plans out of date and undermine community trust in the process.

INFRASTRUCTURE LEVY

- CPRE has concerns about how the introduction of this levy would affect the provision of affordable housing. If it were to become the primary vehicle for delivering affordable housing, then it is unlikely there will be enough homes and at the same time other infrastructure needs including schools and parks may suffer.
- The Levy will be more capable of raising funds in high value areas than in low value ones so there is a considerable risk of exacerbating spatial inequality.
- When looked at alongside the requirement that first 25% of all affordable homes should be First Homes, this tenure preference may mean the Levy primarily subsidises home ownership and does not address genuine affordable need or other community infrastructure.

WHAT HAS CPRE LEICESTERSHIRE BEEN DOING ABOUT THE PROPOSALS?

- Commissioned and circulated report: *The New Standard Methodology for calculating Housing Requirement: Implications for Leicester and Leicestershire*, which can be viewed at: <http://www.cpreleicestershire.org.uk/resources/cpre/item/2306-report-new-standard-methodology-and-leicestershire>
- Emails setting out our concerns with copy of report to all Leicester and Leicestershire MPs, Council Leaders and other leading councillors and further contact with some MPs.



- Regular involvement in and contributions to CPRE's internal dialogues as national CPRE consultation responses are developed.
- Branch representative participated meeting of CPRE branches with the Secretary of State, Robert Jenrick.
- Research, Contacts with other interested groups and press.

WHAT YOU CAN DO

- **Write to your MP with your views and concerns.**
The email and postal addresses of MPs can be found through:
<https://members.parliament.uk/FindYourMP>
- **Contact your local Councillors and tell them of your concerns for your area.**
- **Respond to the *White Paper: Planning for the Future* consultation by 29th October.**
Details of how at: <https://www.gov.uk/government/consultations/planning-for-the-future>

HOW YOU CAN HELP – JOIN CPRE

If you are interested in helping us, please email: info@cpreleicestershire.org.uk

or if you want to join CPRE go to: <https://www.cpre.org.uk/get-involved/donations-and-membership/become-a-member/>