Question 1

CPRE, the countryside charity, formed in 1926, is one of the longest established participants in the English planning system. Our network of county, district and regional groups get involved in local plans and key neighbourhood plans and planning applications of relevance to our charitable work. This is a single overall organisational response reflecting extensive input and consultation from our network of local groups across England.

While it was not possible to cover every issue our groups raised, we have sought to represent their views and concerns in a balanced way. All our groups engage with the planning system in their area, and have done so for decades, so they care about it deeply, and work tirelessly, and most of that work is done by dedicated volunteers.

CPRE groups had a balance of positive and negative perceptions of the existing system. Frequently occurring phrases included:

Positive: democratic; essential.

Negative: under-resourced; complex; adversarial; too centralised.

Question 2

Our network of county, district and regional groups get involved in local plans and key neighbourhood plans and planning applications of relevance to our charitable work.

CPRE believes that planning is crucial to empowering local communities and making sustainable, liveable places. Ensuring everyone has a decent home, that meets their needs and that they can afford, is essential to that, both in urban and rural areas. Equally, it is vital that new development is planned intelligently; our countryside is precious and fragile and urgently needs better management in the face of the climate and nature emergencies. Critical to this is that land is not lost to development unnecessarily. More new homes are undeniably needed, and there is plenty of scope to use previously developed urban land to help address much of this need.

Question 3

There is much scope for improved access to, and understanding of, planning processes through better use of technology, though technology is not a panacea and there will always be a need for offline, on-the-ground ways to engage.

Please see also our answer to Question 11

Question 4

Summary

From CPRE's perspective, the planning system must ensure:

- A countryside for all: fair access and quality green space near where everyone lives, wherever they are in the country.
- Connected space and landscapes for nature, wellbeing and for addressing the climate and biodiversity emergencies.
- Better, thriving places with more genuinely affordable new homes, buoyant town and village centres and walkable neighbourhoods, providing healthy, low-car environments that people want to live and work in.

Detail

Due to CPRE's longstanding engagement in the planning system at all levels, our priorities for planning reforms are strategic as well as local. Our answer to this question is given in that spirit.

The planning system exists to guide development to achieve societal outcomes. We believe that the principal societal outcomes we need for the 21st century are:

- A decent home for everyone that suits their needs and which they can genuinely afford;
- Equitable access to work, amenities and nature;
- Mitigating and adapting to climate & biodiversity emergency, including addressing the net-zero carbon 2050 target, resilience to flood risk, and protection of agricultural land for sustainable food production;
- Active and healthy lifestyles through sustainable travel, less pollution and access to food, healthcare, education and recreation; and
- Citizenship/engagement - people wanting and being able to engage in the planning system because they see that they have influence, and can access decision-makers appropriately.

Planning's key strength is in guiding new development, and therefore every new development must be geared towards supporting and achieving these societal outcomes. In practice, in CPRE's view, this means that reforms to the planning system should embrace the following three process principles:

1. Development of buildings and infrastructure must be seen as opportunities to transform the places they happen in, not just to deliver numerical targets. This requires:
- a sequential approach to land-use, prioritising urban brownfield sites and sensitive urban remodelling;
- giving green infrastructure and active travel infrastructure the kind of investment that has previously been directed towards road-building;
- enabling communities – urban and rural alike - to have healthy, low-carbon, low-car futures through initiatives such as 20-minute Neighbourhoods; and
- approaches to design of buildings and spaces that optimise these transformational opportunities.

2. Plan-making at all levels must be properly open to local engagement and scrutiny. This can be achieved by giving local authorities the powers, skills and resources they need, and complementing traditional consultation processes with innovative approaches in deliberative democracy, building on the successes of citizens' assemblies.

3. There must be real, proactive planning at community level, in urban and rural places alike, and this means putting strengthened, well-resourced Neighbourhood Planning at the heart of the process. It is essential to see Neighbourhood Planning as the building block of good development, not as stumbling blocks to a slimmed down, speeded up process.

Question 5

Please note this is also our answer to Questions 10 and 12.

Summary

No. Simplicity is not a meaningful objective; effectiveness is the key. In particular:

- CPRE wishes to see plan-making made easier to understand, and for a much wider range of people to see that it is worth their while to engage in the process.
- PWP's aspirations to speed up plan-making appear directly at odds with the aim of opening it up to greater participation.
- The 30-month timescale is particularly unrealistic if Strategic Plans and Neighbourhood Plans are to realise their full potential.

Detail

Like any large system, there is nothing wrong with complexity that enables the system to function adjust and evolve. The system depends on a huge breadth and depth of skill, experience and institutional capacity, and the 'rip it up and start again' approach the PWP proposes would be hugely disruptive both for the operators and the users of the system. The resulting objections

and resistance to the damaging aspects of this upheaval will obstruct progress on incremental improvements that would otherwise be well-received and not difficult to implement.

In any case, the PWP will not simplify the system. In fact, it will add complexity with a cocktail of different consenting regimes, top-down imposition of housing requirements and centralisation of development management policies. It also patronises local communities by undermining the one really positive planning reform of recent times, Neighbourhood Planning, and offering them a panacea of pattern-book Design Codes in return.

The PWP presents the reforms as a move towards a 'rules-based system', but there is no causal link between rules and speed, simplicity or effectiveness. If rules are to be democratically produced and subsequently, binding, then much time and deliberation is needed to arrive at them, and they may easily become fiendishly complicated as they are tested by case law.

The government will also need to make clearer as to how such rules will be effectively enforced. Without this clarity, there is a massive risk of local government becoming effectively disempowered in the development process. It is well established in the current system that enforcement powers rely on a formally stated grant of planning permission and related conditions, or the absence of such a grant. The UK Constitutional Law Association notes the likelihood of many more judicial reviews if there is to be a transition to a rules-based system, because the application of rules is regarded as more traditional judicial business. The increased scope for legal recourse is in turn likely to favour landowners and private developers compared to the current system. Currently, the courts are less inclined to make judgements about policy contained within development plans, and will generally defer to the discretion of the policy-maker – usually the local planning authority.

If we are to move away from the adversarial culture in planning, which is both slow and off-putting, then we should look to the 'deliberative democracy' model of Citizens' Assemblies (www.citizensassembly.co.uk). Time invested in engagement and deliberation early in the process would reduce delays and conflicts later. It would also pay dividends in reducing the most corrosive aspect of people's relationship with the planning system: lack of trust. It is clear from the spectrum of reaction to the PWP across the built environment professions, the media and Parliament, that what is currently proposed has done nothing to allay mutual distrust between different stakeholders, and this poses a huge risk to the notion of reform.

CPRE would warmly welcome any initiatives to engage communities earlier in the plan-making process. One of local stakeholders' greatest frustrations is that crucial components of plans, such as the scale and location of strategic sites for housing and employment, are so advanced by the time of public consultation that, in practice, there is no way to influence them. Thus, consultations often become a box ticking exercise to say they have been carried out but no substantive changes are made, or indeed could be made to the plan presented, as otherwise the whole plan would need to be reassessed.

However, the proposals do not live up to their promise, because the 30-month timetable for new style local plans is wholly unrealistic. Even those LPAs that still have well-resourced, well-experienced planning teams can take many years to prepare plans. The PWP only actually specifies public comment during the 6-week 3rd stage, and the Examination Inspector will have discretion as to how the public's right to be heard will be exercised, if at all. There might be an earlier engagement window during the 6-month 1st stage, but this will be conducted in the context of the LPA processing the top-down requirements placed on them by the government and conducting a call for sufficient sites to meet quantitative targets.

This amounts to a huge reduction in opportunities for engagement during the plan-making process. The proposals currently only specify one 6-week public consultation window in the plan-making process, which cannot possibly be enough to gather the necessary evidence and build consensus. CPRE believes that the legitimacy of plans could be boosted by involving MPs and local authority councillors in a more structured way; possible pointers lie in the Parliamentary procedure for National Policy Statements (NPSs) in the Planning Act 2008, or in the role of the London Assembly planning committee in the production and scrutiny of the London Plan. The fundamental principle is that the process must be locally led and locally owned. But arbitrary and unrealistic timescales for production are likely to prevent such involvement from meaningfully taking place. What is particularly missing, at Stage 1 or before in the new plan-making process, is the opportunity for stakeholders to help shape a spatial vision for their area.

On the other hand, CPRE shares the PWP's view that the range of stakeholders getting involved is far too narrow. The heaviest engagement at present comes from landowners and developers, who stand to gain financially from contested land allocations, and from local campaigners who are directly impacted by those same allocations. The PWP offers no rationale for how such conflicts might be avoided, or how other stakeholders might be encouraged to engage. Again, the citizens' assembly model may be useful here.

Question 6

Summary

No. The proposals seem totally at odds with the promise of 'world class civic engagement'. Removing development management policies from local plans poses a serious risk both to the local nuance of development decisions, and to the function of planning as an instrument of local democracy. Nationally authored model policies, which local authorities are at liberty to modify and complement to produce relevant local ones, would be a far better approach.

Detail

The PWP professes to do away with the long-established discretionary aspect of the English planning system – 'each case on its merits'. In fact, however, the proposals appear to retain significant discretionary elements: full applications in Protected zones, reserved matters applications in Growth zones where outline permission has been automatically granted, and detailed matters applications in Renewal zones where Permission in Principle has been granted. This means there would still, in fact, be a substantial amount of development management casework involved, and this may be complicated by the differences in consenting routes.

However, if development management (DM) policies are set centrally, LPAs will have very little room for manoeuvre to do good, place-based planning. There may be provision for LPAs to set their own DM policies under exceptional circumstances, but this seems a very high bar to set for justifying place-specific planning controls, and of course also adds further complexity. We would like to see, for example, more local planning authorities set policies to protect and extend areas of truly dark skies and tranquillity. The current NPPF provides insufficient detail on these subjects and it is therefore necessary for local authorities to develop their own detailed approach. The ability to do this has been particularly important for National Park Authorities and Areas of Outstanding Natural Beauty, but more innovative local policies are also particularly needed in undesignated areas of countryside.

There is also a very significant difference in principle, and in law, between the development policies set out in the NPPF and those currently within adopted Local Plans. A local plan is a statutory document prepared with full public scrutiny, and LPAs are legally obliged to judge applications against those adopted policies. The NPPF is an expression of central government policy, which is a material consideration in LPA planning decisions, and the LPA has discretion as to how much weight to attribute to NPPF. In the new arrangement, local communities will have **no opportunity whatsoever** to scrutinise development management policies, and therefore have no recourse through planning law when development management decisions let them down. It is also unclear how LPAs would be expected to determine what weight to attribute to different national DM policies, which will inevitably lead to a mountain of appeals. This problem applies equally across all three zones.

<u>Questions 7(a)</u>

Summary

No. We would support replacement of Duty to Cooperate with genuine, larger-than-local Strategic Plans (see our answer to 7(b)), and we agree that there are problems with the existing SA/SEA process. But the PWP's proposed 'single test' is poorly defined and it is impossible to know whether it will be effective.

Detail

The lack of trust in the system that we mentioned in response to Question 5 above particularly applies in our view to the government's approach to sustainable development and sustainability in planning. The Sustainable Development Goals are in common use throughout government and a number (particularly SDG11) have direct relevance to planning, but MHCLG has continued to passively, and without good reason, resist applying them in planning policy or as a means of setting robust planning outcomes. This should urgently be addressed before any 'sustainability test' is introduced; without this, we are unable to support proposals for a sustainability test. Similarly, the PWP proposes to abolish Sustainability Appraisals (SA) and develop a simplified assessment process against environmental regulations, but in expanding on this proposal the text skitters across the tests of soundness and the Duty to Cooperate. In this regard, it appears that the 'single sustainable development test' has not yet even made it to the drawing board. Simplifying the assessment of sustainability is therefore merely an aspiration.

The existing SA/Strategic Environmental Assessment (SEA) process urgently needs to be strengthened, as is easily evidenced by the many unsustainable developments that are granted planning permission. For example, meeting housing need and reducing greenhouse gas emissions are both important sustainability objectives. Local plans which set an ambitious housebuilding target, yet do very little to tackle greenhouse gas emissions, are routinely found sound by inspectors, despite there being no explicit decision to prioritise housebuilding over climate. Sustainability testing highlights the discrepancy but does nothing to change the balance of the decision.

The unifying principle within SA, SEA and tests of soundness is to demonstrate that reasonable alternatives to the preferred approach have been properly considered. This principle is also vital to good consultation: case law has highlighted that the public needs to be presented with a set of reasonable choices. Consideration of alternative approaches to policies or allocations is not referenced in the PWP's proposals. Indeed, mandatory top-down housing requirements and removal of discretionary planning powers means that two fundamental points for considering alternatives are eliminated:

- Whether it is more sustainable, on balance, to accept the standard method housing requirement or to set a lower or higher one; and
- Whether an alternative proposal for a site to the one envisaged in the adopted Plan may, in the event, offer a more sustainable solution.

Under the PWP proposals, the only real alternative options that an LPA could consider would be the spatial arrangement of its zones, and the choice of different design codes. This highlights a fundamental flaw in the PWP – that it re-designs the planning system entirely around the objective to deliver housebuilding, rather than to deliver sustainable development in the round or to directly address the climate emergency. In that sense the PWP is itself at odds with the NPPF. This can be further evidenced by the brief attention given to 'Effective Stewardship and

Enhancement of our Natural and Historic Environment', minimal references to planning for employment or transport, and no reference at all to minerals and waste, water or soil. Most of the crucial underpinnings of any sustainable future are largely ignored.

Question 7(b)

Summary

CPRE supports appropriate strategic planning and a national spatial plan, which would enable the levelling up agenda to be properly addressed. At all spatial scales, subsidiarity and democratic accountability are key.

Detail

The present Duty to Cooperate has not proved effective in replacing the previous statutory basis for planning at a larger-than-local level. The missing link is a new form of Strategic Plan. A new report for the County Councils Network argues for the creation of strategic planning advisory bodies in all areas, with statutory responsibility. CPRE supports that recommendation as far as it goes, although we believe that for strategic planning to be effective, further checks and balances in the process, including guarantees for formal public consultation, will also be needed.

Consideration of alternatives and full public scrutiny would be necessary components of such Plans. Therefore, they must have statutory status, and experience from CPRE groups around the country already shows that non-statutory examples are not good enough. This is because non-statutory plans such as those recently prepared in counties such as Cambridgeshire and Leicestershire lack the requirements for engagement, scrutiny and accountability that are enshrined in statutory ones. Strategic Plans could then embed sustainability outcomes that translate into baseline requirements for local plans and other planning decisions made within the Strategic Plan area, setting out the framework for the 'sustainability test' that the PWP suggests, and holding the evidence base for it. In other words, the zones, design codes, site allocations etc. being adopted by a Local Plan would all be 'sustainability tested' against the larger-than-local Strategic Plan.

Devolution Deals are awarding statutory planning powers to Combined Authorities, so the foundations of such an arrangement may be taking shape, but the PWP makes no reference to this new tier of strategic planning, and makes no time allowance for the obvious fact that Strategic Plans would have to be prepared before the new-style Local Plans.

It is also crucial to ensure that such plans do not simply default to new settlements, urban extensions and big infrastructure as their priorities, but are first and foremost about making existing places work properly. There remains so much redundancy, vacancy and dereliction across the country, and it is all too common to see major new development schemes, such as Garden Towns, only a mile or two from run-down neighbourhoods and desolate town centres.

The fabric of towns and cities needs repair and investment, and this can and should be planned strategically. Strategic Plans must be about problem-solving interventions.

A number of CPRE groups across our network have voiced concerns, from their own experiences, about the inconsistencies arising from different areas having different forms of Strategic Plan, with different relationships to the existing local government structures. We do not wish to see a prescriptive, one-size-fits-all approach to Strategic Plans, but statutory status and clear requirements for engagement and scrutiny are essential in all cases, because we are seeing non-statutory plans emerging that have no scrutiny process and yet have great influence on Local Plans.

Question 8(a) and 8(b): Combined Response

Summary

No. While we have no objection to a standardised calculation method in principle, the method proposed is deeply flawed – as we have covered in our 'Changes to the Planning System' response. Using this as the starting point for mandatory housing requirements is therefore also flawed, and will result in many anomalous, unwanted and undeliverable targets.

Detail

We have responded separately to the proposed revised standard method for assessing housing need. In short, we are strongly opposed to both the method itself and to the PWP proposal to make the requirement mandatory, for the following reasons.

The method is mathematically unsound, because it takes three separate variables - household projections, stock levels and affordability ratios, but crudely chooses the highest number that the combination of the variables can produce for any given LPA.

The method is also strategically counterproductive, because it:

(i) Apportions housing numbers by district, which is too small a geographical area to plan for housing provision in a manner that integrates environmental and transport considerations. A more strategic approach is needed (see response to Question 7[b] above);

(ii) Concentrates new housebuilding in the places where it will produce the most expensive homes, and addresses neither the challenge of levelling up growth between higher and lower demand areas, nor the chronic shortage of genuinely affordable housing.

If these top-down numbers become mandatory, then there will be a momentum towards a huge range of highly damaging outcomes that will be very difficult and costly to stop. Although the

current method only has the status of guidance, in many cases large developers and landowners have been able to bully LPAs into setting requirements significantly above their existing, locally-derived targets. A continuation of this approach, as Ministers have suggested, will inevitably lead to huge amounts of lobbying and wrangling that can only serve to further slow the process.

The proposals set out to establish housing requirements 'having regard' to six factors:

- Existing settlement size – the bigger a place, the more development it can absorb;
- Relative affordability of places – the less affordable, the greater the requirement;
- Physical constraints and environmental designations that limit capacity;
- Brownfield land opportunities – to encourage regeneration;
- The need for space for other forms of development;
- A buffer – i.e. 'plan for a bit more than you're expecting to build'.

If the planning for housing process was working effectively, these would all be legitimate considerations; it is also important to make sure water and soil resources are properly considered within these factors. But there is currently a massive disconnect between the numbers and types of houses that are needed at the local level, and the numbers and types being built. This is mainly because of the dominance of a few large plc builders. Measures to require both faster build out rates and a housing mix that better reflects local need, are therefore urgently needed before requirements can be set that command public confidence. See response to Question 14 below.

Crucially, these factors all depend on the detailed, locally-based evidence that is used to make Local Plans at present. It seems wildly optimistic to suggest that a nationally-imposed requirement, based on a mathematical formula, could account for and balance these considerations with anything like the accuracy that can be achieved by well-resourced LPAs. Centralising this process is simply ill-conceived.

The pre-NPPF2012 approach comprised housing numbers that were set out nationally, adapted by Regional Spatial Strategies to account for spatial distribution, ambitions and constraints within regions, and then these were adopted by LPAs as the RSS was part of each LPA's Development Plan. This was a top-down approach with local flexibility and local ownership. This approach was swept away by NPPF2012 and the abolition of RSSs, which the PWP persists in describing as a positive move: *"We have democratised and localised the planning process by abolishing top-down regional strategies and unelected regional planning bodies, and empowered local communities to prepare a plan for their area…"*

In this context, the proposal to nationally set a legally-binding local housing requirement is as top-down, and as counter to local empowerment, as it is possible to conceive. On its own, without the major reforms to build out proposed by Sir Oliver Letwin and others (see Question 14 below), the proposal is also likely to fail on its own terms of aiming to deliver more housing. It is evident that the NPPF2012 approach has not worked well, and indeed the complexities and wrangling it has created have undoubtedly been a major cause of the huge lengthening of Local Plan-making time that we have seen since 2010. But the new proposal lurches from one extreme

to the other, and it is inevitable that centrally-imposed requirements which don't allow for local modification will result in vehement opposition from local authorities and from local communities. This aspect of the PWP therefore requires a major re-think.

Question 9(a) and 9(b): Combined response

Summary

No. There are possible merits to the concept of zoning, but there is no need whatsoever for differing consenting regimes in order to make them work. In the form proposed by the PWP, the Growth and Renewal zones appear to offer the opposite of planning: where there is most land-use change, there is least planning. That would be a catastrophic outcome and we must object to it in the strongest terms.

If zoning is to be introduced then CPRE considers these principles must be adopted:

- There should be full community engagement in shaping the zoning itself, and in masterplanning the sites within them;
- Neighbourhood Plan areas should operate as zones in their own right, with powers to set local policies;
- There should not be differential or additional consenting regimes for different zones, just different planning policies;
- LPAs must have powers to remove or curtail Permitted Development rights wherever this is needed to successfully implement masterplans and design codes/briefs.

Detail

In both Growth and Renewal zones, the idea put forward is that the LPA will define the zones, and will also set out design codes for the resulting developments. The zoning is intended to remove uncertainty and delays, and the design codes are intended to be developed in consultation with local communities to achieve acceptable outcomes. In theory, using greater up-front community engagement to establish the principles and policies that will guide development is a welcome move, making the system more plan-led and less vulnerable to aspirations being diluted along the way.

We need to ask what zones are aiming to achieve compared to the current system. We can see merit in giving different policy status to different areas. This could be seen simply as repackaging the way existing Local Plans often describe a suite of sequential preference for development location, which usually follow this pattern:

- inner urban and regeneration areas
- strategic growth areas
- incremental growth of large and medium settlements
- proportionate growth of smaller settlements

- presumption against growth outside the boundaries of the above areas – i.e. into the countryside (with this presumption reinforced by Green Belts where they exist).

The benefits of expressing this sequential preference on a zonal basis might be as follows.

Protected zones potentially enable land that is not environmentally designated and does not fulfil the functions of Green Belt to nevertheless be given greater certainty of remaining undeveloped. To achieve this, it would have to be clear that new development permitted in the Protected zone would only be that which meets the specific needs of communities within that zone; and that a Protected zone would not be a source of strategic land supply or an area of search.

Renewal zones would be the priority location for new development, and putting land in a Renewal zone would qualify it for investment programmes and multi-disciplinary technical support to ensure that development is timely, high quality and sustainable. For example, many areas needing renewal are subject to fluvial flood risk, so river catchment management is integral to enabling renewal.

Growth zones would be identified where the need for development exceeded the capacity of renewal zones, as informed by a robust urban capacity study. The pattern and balance of Renewal and Growth zones would be determined strategically across LPA boundaries, most probably at Combined Authority or county level, and they would be expected to show net gains on all aspects of sustainable development.

We consider that any zoning approach should clearly adopt this sequential approach.

However, the way that zoning is envisaged by the PWP creates some fundamental problems, as follows.

There is no need whatsoever for different consenting regimes in order to make zones work. In planning terms they simply need different development management policies, and in implementation terms they need strategic vision, partnerships and investment. By contrast, the PWP proposes a cocktail of consenting regimes, including automatic permissions, Permissions in Principle and Local Development Orders, which amount to additional layers of planning work. This risks further complicating the system and appears significantly less open to public scrutiny than the existing planning application process. Crucially, the alternative consenting regimes take away important opportunities for elected councillors to review schemes at outline stage, which is a deeply undemocratic outcome. Further, when combined with the PWP's proposal to extend the NSIP regime to major housing developments, there is high risk that the largest developments will be those with the least opportunity for democratic engagement and scrutiny. This is perverse.

There would be a heightened tension between communities wanting to be in a Protected zone, and landowners with developer interest wanting to be in a Growth zone. Thus the fringe land between those two zones is likely to become even more contested than it is at present. Most Local Plan engagement already takes the form of a battle between these two relatively narrow

interests. If, as proposed, the consequences of being in one zone or the other are legally binding and come with different consenting regimes, then the stakes will be much higher and the battles more intense and costly.

Concern about increased conflict is shared by the development industry. As Lichfields note, zoning's *"greater degree of certainty is in direct opposition to what many believe is the best feature of the English planning system – its flexibility and adaptability to specific local circumstances at any point in time".* And they point out the risk of increased legal challenges to Plans, because *"zoning systems can create controversy over development and land values, as a consequence of sometimes seemingly arbitrary zoning allocations which are then legally binding."*

https://lichfields.uk/blog/2018/may/14/should-zoning-be-introduced-in-england/

This is compounded by the inevitable interaction between an area's housing requirement and its need to move land into Growth zones, such that land agents will put ever more effort into pushing the housing figure upwards. The amount of land zoned for Growth is contingent on the binding, top-down housing requirement, so if this is very different from current development patterns there will be huge local controversy, especially where the land requirements demand large-scale Green Belt change, because communities' ability to influence the top-down process will be negligible. As our response to 'Changes to the Planning System' noted, and a wealth of evidence has shown, the proposed new Standard Method for assessing housing need indicates massive swings away from urban and regeneration areas and towards rural authorities. It is, as yet, unclear how this will be reconciled with environmental and other constraints, or with the 'levelling up' agenda, but it will inevitably lead to tension, arguments and legal challenges. The devastating result is likely to be long delays in getting new Local Plans adopted, as well as inflation of land prices, with resulting increases in house prices and worsening affordability.

While there may be benefits in giving increased protection to non-Green Belt countryside, this is not really what is proposed. Firstly, the Protected zone does not appear to come with additional protections, but rather a retention of the existing discretionary planning system from which the Growth and Renewal zones are awarded complex exemptions. Non-Green Belt countryside will still be less protected than Green Belt. This poses a problem for many towns and cities, such as Leicester, Middlesbrough and Southampton, which do not have a Green Belt: does a Protected zone there offer less protection than one where there is also Green Belt, such as Bradford? Secondly, since the Local Plan is to be renewed every five years to allow for updates to the housing requirement, this may result in quite frequent changes to the boundary between a Growth zone and a Protected zone (possibly more quickly than the time it takes to resolve previous conflicts), so there is a risk that Green Belt boundaries will lose the permanence that is essential to their function.

Despite the PWP's bold claims about zoning, there is in fact little clarity about the practicalities of what is envisaged. There are various international examples of zoning approaches that could be pursued. An adaptation of the existing UK system might resemble Enterprise Zones, where a

combination of a modified planning regime and financial incentives have been used in the past, and the geographical scale of the zones is quite limited.

The PWP does not mention National Parks or World Heritage Sites. This implies that that there will be two layers of Protected zone: one set nationally to include nationally designated landscapes; and the other set locally based on what authorities choose to zone for protection in their local plans, which should include Conservation Areas. But again, this needs to be clarified.

If a broader-brush zoning were used, then it would surely be necessary to maintain a site allocations process within the zones that is comparable to the existing one – otherwise the parcelling of land for masterplanning, identifying developers and providing planning consent would be far too blunt. Critically also, CPRE recommends that the government needs to clarify the relationship between the zones, in terms of when land is released for development. It will often not be possible to provide at once the supporting infrastructure necessary for a number of large development sites to come forward in an area; a clear sequential approach requiring suitable brownfield sites to come forward first should be clearly identified.

There are potential limitations to the Protected zones as a mechanism to retain and enhance green infrastructure and accessible countryside. Indeed, since the rate of land use change in Growth and Renewal zones is likely to be much greater than in Protected zones, then it could often be within Growth and Renewal zones that opportunities to restore and enhance ecosystems and green & blue networks might be found. It is essential that a zoning system does not make a simplistic assumption that 'the environment' is protected by virtue of the Protected zones, when in reality all zones require an equally restorative approach to natural systems and people's access to nature.

We also note that the PWP Para 2.8 includes within the Renewal zone definition "*development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages.*" This implies that greenfield land on the edges of settlements could be zoned for Renewal, and that these sites would then receive automatic permission. This makes a nonsense of the concept of Renewal zones, and offers an open goal to the promoters of greenfield sites on the edges of settlements that communities would rightly expect to be within the Protected zone.

In conclusion, if a zoning approach is to be introduced then significant additional engagement opportunities are necessary: firstly, to shape the zoning process itself; and secondly to create masterplans and design codes/briefs for zones and the sites within them, that are produced collaboratively with the community. If the government really wishes to retain and improve Neighbourhood Planning, then it should also enable Neighbourhood Plan areas to operate as zones in their own right, with powers to set local policies. Further, we do not consider that differential or additional consenting regimes are an acceptable way forward, and indeed there is a high risk that these would produce inequalities of access to the democratic process of planning, because people's opportunities to engage and scrutinise will differ depending on the zone they

live in. In our view, Permitted Development rights need to be curtailed – or at very least LPAs given more powers for locally removing them - in order to give local authorities the necessary planning controls to successfully implement masterplans and design codes/briefs.

Question 9(c)

Summary

No. Decisions on new housing developments, whether large or small, should continue to be made locally. Allowing new settlements to come forward under the NSIP regime would be uniquely damaging to public trust in the planning system and their opportunity to shape it through local democracy.

Detail

Making the largest developments those that are most divorced from the local planning process and its associated public scrutiny would mean that promoters of very large sites would be able to bypass the LPA altogether and apply directly for planning permission via NSIP. As far as the general public is concerned, this is yet another consenting route, with a different consultation and scrutiny process, but this time it will also sit outside the new-style Local Plan process in which they have, in theory, been encouraged to participate.

Many communities have already had negative experiences of NSIP schemes in the shape of power stations, new roads and mineral sites. The removal of local councillors from the decision-making process cuts off a key route by which local people can hold decisions to account, and the centrally-managed consultation process is often viewed with justifiable suspicion. NSIP Development Consent Orders are drafted by the applicant, maybe amended by the Secretary of State after public examination; it is seldom if ever that the proposal is refused. If the government really does intend to 'bring democracy forward' in the planning system then extending the use of the NSIP regime would be very much a backward step.

A much better option than the NSIP regime would be to encompass new settlements and other strategic-scale developments within larger-than-local Strategic Plans. These can include Combined Authority plans, joint plans prepared by a grouping of District Councils in two tier counties, joint plans between unitary authorities, and plans which cross county boundaries. We address this matter in the next section. Wider use could also be made of pre-application discussions and a single consenting regime, but CPRE does not believe that it is necessary or desirable to centralise decision making.

Question 10

No. We can see the merit in certain elements such as data-rich planning application registers and making information machine readable, however we feel that many other elements (such as standardisation of supporting technical information, increased delegation to officers, and automatic rebate of application fees at appeal) are likely to accentuate the current problems of

poor quality development being allowed without proper scrutiny. Please see also our answer to question 5.

Question 11

Please note this is also our answer to Question 3 of the consultation.

Summary

No. There is much scope for improved access to, and understanding of, planning processes through better use of technology, though technology is not a panacea and there will always be a need for offline, on-the-ground ways to engage.

The PWP contains numerous references to digitisation, software, binary decisions and Proptech, none of which inspire confidence that the proposals are grounded in an understanding of how and why people engage.

Detail

The Secretary of State's introduction refers to *"moving away from notices on lampposts to an interactive and accessible map-based online system"*. This seems a false dichotomy. Most interaction with the planning system is now done online in any case, but notices on lampposts are not anachronistic – they are complementary to the online system. Site notices allow for chance engagement from those people in the neighbourhood who do not otherwise hear of proposals, and they favour pedestrians as participants in the system. Site notices are also likely to encourage participation by people with less access to, or affinity with, online platforms and social media. An online-only approach could have an Equality Act implication due to differential access for some older people and some minority ethnic groups. Many older people do not use smartphones. Similarly, digital engagement systems and smartphone apps will have to be of the very highest standards if they are to avoid discriminating against people with, for example, visual or motor disabilities.

That said, CPRE is approached every day by people who have only just found out about a planning proposal when the site notice went up, and they are perplexed to learn that the crucial decisions that they needed to comment on were made months or years previously during a Local Plan process. There is nothing in the PWP to improve this situation, and indeed it could worsen it because people's scope to comment on proposals at the application stage will be curtailed. In fact, posting of site notices for proposed site allocations – including zonal allocations under the PWP proposals, should be required to make sure that people have every opportunity to find out that they have a chance to engage in decisions that affect them.

There is certainly room for improvement in the online systems currently used. Different local authority websites work differently and there is wide variation in the quality of information provided and ease of navigation. There is clearly potential to make better use of technology and

to introduce more efficient processes, for example integrating GIS-based data for Strategic Housing Land Availability Assessments (SHLAAs), site assessments, sustainability appraisals and planning applications, so that all relevant layers can be seen on the same interactive map. Policies should also be much easier to read and access – too often they are placed in PDFs with unnecessary amounts of picture graphics which pose particular problems for mobile phone users. Clearly, Councils will need significant financial assistance to realise that potential. Para 2.46 of the consultation refers to pilot exercises, which we would welcome.

There are also some procedural requirements that are anachronistic, such as providing triplicate hard copies of documents to the Planning Inspectorate. However, we note that these procedures have already evolved rapidly in response to COVID-19 impacts, which indicates that such matters can be reformed by simple operational decisions, rather than requiring government intervention. Similarly, online Local Plan hearings are now taking place reasonably successfully, and there is no reason why hearings could not continue in a 'blended' online/offline format post-COVID; though many communities are still struggling with unreliable broadband connections and this can limit active, real-time participation.

Digitising services will not increase engagement unless people are motivated to access them, and can see that engaging has an impact on the outcome. Page 21 of the PWP refers to 'digitally consumable rules and data', 'modular software landscape' and 'PropTech entrepreneurs'. Few readers of the document can realistically be expected to understand such terms, and it is disappointing that the PWP's authors could not find a better way to explain what is proposed and give confidence in the proposals. In fact, the use of such terminology in a consultation document suggests that the authors themselves do not fully understand what it means to make consultations accessible.

It is not clear what is envisaged in terms of standardised templates. On the one hand, standardised systems for online document libraries, document titles and control would be enormously useful, as much time is wasted at present looking for poorly labelled or categorised documents. On the other hand, questionnaire-based consultations have a tendency to restrict the scope and nuance of responses, and can in themselves frustrate engagement. Leading questions in an app-based approach could lead to significant oversimplification that is not appropriate for complex issues. As an example, the Arnside & Silverdale AONB Development Plan Document, in Cumbria, was produced in an innovative, collaborative way to deal with specific local circumstances. This relied on a bespoke balance of online and traditional engagement, and it would be a bad outcome if standardised templates were to constrain innovation and agility at local level. Worse still, para 2.38 of the PWP refers to a 'digitally enabled end to end process' which implies digital reading of validation data and consultation surveys. This would remove human analysis of comments, suggestions and evidence, leading to the 'automation of more binary considerations' (para 2.15). In our experience, planning considerations are rarely truly binary, and rightly so. It would be misguided to expect otherwise.

Some local CPRE groups have also noted occasions where orchestrated social media campaigns by a single interest group can swamp online surveys and distort the outcome. A consultation process that is more reliant on online survey formats would need checks and balances to avoid this.

Question 12

No. Simplicity is not a meaningful objective; effectiveness is the key. In particular:

- CPRE wishes to see plan-making be more understandable, and for a much wider range of people to see that it is worth their while to engage in the process.
- The PWP's aspirations to speed up Plan-making appear directly at odds with the aim of opening it up to greater participation.
- The 30-month timescale is particularly unrealistic if Strategic Plans and Neighbourhood Plans are to realise their full potential.

Please see also our answer to Question 5.

Question 13(a)

Summary

Yes. Neighbourhood Planning should be retained and enhanced. The PWP professes to support the continuation of Neighbourhood Planning, and in principle this is very welcome. However, we are concerned that the reality may turn out very differently.

In CPRE's view, Neighbourhood Plans are the most significant, positive change in the planning system for many years, yet their position remains precarious. This is partly because they require great commitment and energy from within local communities, and partly because the resources and LPA support they receive for specialist expertise is inconsistent.

The status and scope of Neighbourhood Planning should be enhanced as a major building block of pro-active community level planning. If the government is serious about 'bringing democracy forward' in the planning system, then this should be a central feature of the reforms. However, the current proposals in the PWP do nothing in this regard, and may even prove disastrous for neighbourhood planning.

Detail

The crucial issue here is the relationship between Neighbourhood Plans, the new-style Local Plans, and the loss of discretionary stages in development management. The PWP appears to be restricting the scope of Neighbourhood Plans to matters of design, because their current ability to allocate sites and set development management policies do not seem to read across into the new proposals. And if Neighbourhood Plans are restricted to design matters, how are

Neighbourhood Planning Bodies distinct from an informal community stakeholder group coming together for the sole task of shaping a Design Code?

At present, once made, Neighbourhood Plans form part of the statutory Development Plan. In some cases (for example South Hams in Devon), most of the site allocations sit within the Neighbourhood Plan, and the Neighbourhood Plan can also set out its own development management policies, so long as the allocations and policies are compatible with the Local Plan.

It is entirely unclear as to how the new zoning system will work in conjunction with Neighbourhood Plans. Conceivably, a Neighbourhood Plan could operate as a fourth zone, but this is not proposed within the PWP.

If the new-style Local Plans, with their mandatory 30 or 42-month preparation period, and their mandatory top-down housing requirements, render an existing Development Plan out of date, then this would appear to render all the Neighbourhood Plans within that Development Plan out of date too, unless the Neighbourhood Plan is specifically exempted from this arrangement.

The removal of Local Plan development management policies could also, by default, remove Neighbourhood Plan development management policies, which would make the Neighbourhood Plan powerless to intervene in planning decisions within its area, and render the Neighbourhood Plan out of date.

Given the huge voluntary effort that goes into a Neighbourhood Plan, it is very likely that any change that puts them rapidly out of date, especially on a wholesale basis, would bring an abrupt end to Neighbourhood Planning and localism, because a community's trust and willingness to invest its own capacity into the process would be crushed.

We do not think it is the PWP's intention to have this devastating effect on Neighbourhood Planning, but it seems that this is a real risk, which has not been properly thought through, and no specific powers or arrangements are afforded to this component of planning which currently has a statutory function *and* a high degree of public engagement.

In this context the PWP's question about the use of digital tools in Neighbourhood Planning is a red herring. Neighbourhood Plans will of course use any tools at their disposal and which they have the resources to put to good use, but what they really rely on is motivated, conscientious volunteers with confidence in the value of the Plan. If the government wishes to change the role of Neighbourhood Plans then it must put forward tangible proposals that communities can understand and give a meaningful critique.

We also note that the PWP elsewhere floats the possible option of retaining requirements for a five year land supply, even though this is not a preferred option. Regardless of whether this option is taken forward, CPRE also recommends that the status of neighbourhood plans is raised in the NPPF in terms of policies for the supply of housing, so that for example there is less risk of the policies becoming out of date due to changes in the rate at which housing sites are being built out elsewhere in the local authority.

Question 13(b)

This is a worrying question, as it strongly implies that use of digital tools, and a design focus, are the types of improvements the government envisages for neighbourhood planning. While communities are of course concerned about design in their neighbourhoods, their principal concerns are often the scale, type and location of new development. It is wrong of the PWP to play down these concerns, since they are inevitably what people will be seeking to influence, and a reformed planning system must help them to do so.

In more general terms, CPRE recommends that the government explores ways of developing the neighbourhood planning process so that it can take place over a wider area, for example between groups of parish councils and/or other community-based organisations. This might help take up in areas such as northern England which has seen relatively less activity compared to the south of England.

Question 14

Summary

Yes. There is already enough land in the system to meet the government's target for 300,000 new houses a year for the duration of this Parliament. There is enough brownfield land for 1.3 million homes, 500,000 of which already have planning permission.

Rather than the 'rip it up and start again' approach that the PWP takes to the planning system, CPRE urges a proper focus on the win-win scenario of a comprehensive brownfield first policy and securing the build-out of existing permissions. Since much of this land is in urban areas with real housing need, our suggested approach would not only make the best use of land but also help address the levelling up agenda.

The reforms proposed by the Letwin Review should be properly implemented, and should be complemented by a clearer policy priority for affordable homes, stronger compulsory purchase powers and the ability to confiscate planning permissions where build-out has not been sufficiently timely.

Unfortunately, the PWP is largely driven by an outmoded deregulation agenda, which is a major distraction from the real needs for reforming the land market.

Detail

CPRE wants to see more homes that people on average incomes in a local area or below can afford, as an urgent priority. We support the call made by Crisis and the National Housing Federation for 145,000 new affordable homes every year for the next ten years. Sir Oliver Letwin's Review of Build Out has set out how we can do this – in particular through local authorities taking a lead role in acquiring land and requiring a wider variety of housing types. The

PWP does little or nothing to set out how the changes proposed by the Letwin Review might be taken forward. The PWP notes that *"as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates ",* but it makes no attempt to suggest remedies for the low market absorption rates. Where there is discussion of the build out of existing permissions there is no recognition that developers have a strong incentive to keep prices high by limiting supply to the market.

Any proposals that wished to 'bridge the generational divide' as a matter of urgency would ensure that this failure to build out existing permissions was no longer tolerated.

The PWP does not really envision a planning system at all in its established sense; it instead envisions a housebuilding delivery system. Even considered on these terms alone, it fails to address the real issues: the monopoly of a small number of big plc builders who on the whole tend to build overpriced, poor quality houses too slowly; lack of genuinely affordable homes, planning permissions remaining unbuilt, and the vast retrofitting programme needed to address the most energy inefficient housing stock in Europe.

The over-supply of unbuilt permissions is a product of a system since 2012 that has prioritised the pursuit of numerical targets for housing requirement and housing land supply over any realistic trajectory for what can be delivered. This is exacerbated by the huge financial incentive to landowners simply to gain outline planning permission, which is why land market reform is crucial. In any case there is already enough land in the system to meet the government's target for 300,000 new houses a year for the duration of this Parliament. Legal mechanisms should be introduced to require the majority of currently allocated sites to be built out before additional sites are added to Local Plans.

The resulting haste from the numbers game has had a catastrophic effect on the ability of brownfield land to contribute to housing land supply in Local Plans. CPRE's State of Brownfield 2019 report has shown that there is brownfield capacity for over 1 million homes, and as mentioned above at least 500,000 of these are in addition to those sites which already have planning permission. An approach to development that focuses on brownfield first would help to deliver homes where people really need them; closer to services, workplaces, public transport and shops. This would help us to protect and enhance the green spaces that are crucial for tackling the climate emergency, and safeguarding the countryside next door to large urban areas that's so essential for our wellbeing. And government planning policies are a vital part of this: when done well, they can play a huge role in rejuvenating our high streets, towns and cities, and help make for liveable places that communities feel proud to call home.

Recent research by Heriot Watt University identified a need for 145,000 genuinely affordable homes per year. These homes must be made available in perpetuity, irrespective of tenure, at a

price that is within reach of those who need them. That does not rule out subsidised ownership as part of the solution, but it does mean that a substantial increase is needed in provision of homes for those who cannot, or do not, wish to buy.

Taken together, these three pieces of evidence plainly illustrate that providing genuine affordability, harnessing brownfield capacity, and curbing the run-away oversupply of permissions relative to build rates, are the key interventions which will create sustainable, liveable places, meet housing needs and avoid the wasteful dispersal of new development into car-dependent, infrastructure-hungry greenfield locations. In the context of the climate and biodiversity emergencies, to plan for housing in a way that does not simultaneously plan for net-zero carbon, climate resilience and ecosystem restoration would be a deeply flawed approach. The proposals appear to pursue housing supply in isolation from these other imperatives, and by doing so risks further reinforcing unsustainable patterns of development.

Therefore the multiple dimensions of housing need cannot be addressed simplistically, by just releasing more land through the planning system. A better understanding is needed of the type, size and price of the housing that will be delivered, and how new development links to other public policy objectives (such as for education and health) that affect places and how they function. Lack of access to existing stock, demographic changes and the quality, suitability and affordability of homes to those people who need them, are all crucial issues. New-build must be considered alongside measures to tackle empty homes, second homes, urban remodelling and access to finance, as a suite of complementary interventions. Local authorities and local housing providers are key partners in this, and they are not well-served by standardised, centralised policy tools.

Question 15

Nationally, our 2020 joint housing design audit with Place Alliance provides clear evidence that most large scale new housing development is of mediocre or poor design quality.

We asked CPRE local groups to answer this question from their own perspectives. The CPRE Hampshire response provides a succinct summary of the issues raised by most of our groups:

“Outside of Conservation Areas recent development has been generally ugly and poorly designed, poor quality materials, standardised, inflexible house-types, car-dependent and highways engineer-dictated layouts, dull, lacking innovation and flair.

“Some of the worst designs have been through permitted development to residential properties. Standards will fall further when the latest proposals are implemented particularly in relation to additional floors to residential and commercial properties”.

Question 16

It is difficult to reconcile the PWP's overall direction with the assertion in this question that *"sustainability is at the heart of our proposals."* Where is the evidence that this is the case?

Development must make places more sustainable, and must be harnessed as a transformational tool. There is a wealth of evidence that clearly shows what is needed. Here are some examples:

- All new homes built should be '2050-ready', as advised by the Energy Savings Trust https://energysavingtrust.org.uk/report/the-clean-growth-plan-a-2050-ready-new-homes-policy/ and commercial development should also achieve comparable performance, so that new development plays its part in meeting the net-zero 2050 target for carbon emissions.
- Place-making should be guided by the 20-minute neighbourhood concept, which TCPA and Sport England identify as an effective way to create healthier, active communities:

  https://www.tcpa.org.uk/the-20-minute-neighbourhood

- The policies of the government's 25 Year Environment Plan should explicitly inform all plan-making:

  https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

In the 21st Century, these bodies of evidence must form the starting point for all place-making. Design codes must be prepared in that context, but these are fundamental principles that must shape the whole planning reform agenda. It is deeply worrying that the PWP is so weak on this point.

We have also responded to Proposals 15 (environmental benefits), 16 (assessing environmental impacts) and 18 (energy efficiency standards) under this question. We welcome the recognition in paragraph 3.26 of the role that local, spatially-specific policies can continue to play under this section, and believe that this approach should form the basis of the Government's final approach to local development management policies (see also response to Question 6 above). On Proposal 16, we are particularly concerned about the suggestion that greater use of existing environmental data should reduce the need for site-specific surveys. In our experience, the existing data is often insufficient and planning surveys play an important role in maintaining an up to date evidence base. This issue is also considered in Wildlife & Countryside Link's response, to which CPRE is a co-signatory. Furthermore, it is also important that environmental assessments continue to consider potential impacts on human health and cultural assets and how these can be avoided or mitigated. We would not support attempts to narrow down the assessment process to purely looking at species, habitats or ecosystems, important though these all are. (Cf. paragraph 3.27.)

On Proposal 18, CPRE does not believe that the government's aim to deliver a 75-80% reduction in carbon emissions from new homes by 2050 is sufficient, given the overwhelming imperative to tackle the climate emergency. This represents 34 lost years given that the Code for Sustainable

Homes aimed to achieve the same thing by 2016 and was dropped at that point. If the government is serious about tackling the climate emergency, it needs to be much more ambitious on new build. CPRE recommends that it is both feasible and necessary to aim for a net 100% reduction in emissions from new build, and major reductions from the existing stock, within the next 5-10 years.

Question 17

Summary

No. CPRE warmly welcomes the PWP's intention to raise design standards, but what is proposed is fraught with problems. Our position is that design codes:

- must always be prepared with full community and expert engagement (design review is likely to prove particularly valuable, based on the experience we have seen), which means there must be enough skill, resource and time within the plan-making process to enable it;
- must operate at a place-based level so as to apply to all forms of development and public realm, not just to housing developments;
- must be underpinned by a framework with benchmarks for resilient places that include sustainability (particularly zero-carbon), walkability, and ecosystem restoration;
- must be enforceable, which means linking them to development management policies, the existing planning enforcement system (meaning that inclusion within the terms of planning permission are likely to be most effective) and, where necessary, removal/reduction of permitted development rights.

Detail

There is certainly great scope for higher design standards in the planning system. It is also evident that people will – and indeed should – object to proposals that are poorly designed. It is important to note the findings of the recent CPRE and Place Alliance Housing Design Audit that 75% of recent housing schemes should not have received planning permission when judged against current development management policies for design. Standards do need to improve, but those standards are of little use if they are not adhered to.

The research also found that site-specific design codes did tend to produce improvements in standards. On the other hand, we have seen examples where different developers have interpreted the same design code very differently, so it is clear that a code is no guarantee of a consistent outcome.

Where the PWP really goes wrong, however, is in regarding an unspecified amount of influence over design codes as a meaningful substitute for communities' ability to engage in the scale, distribution, type and principle of development. Considering the very short consultation

timescales set out in the plan-making process, it seems likely that a substantial proportion of new development across the country will default to generic national design codes, and/or generic designs put forward by developers, in which people do not have a say.

Design Codes or development briefs should help to raise standards but cannot be a substitute for other detailed scrutiny, so the side-lining of the public and elected representatives at the strategic site allocation stage and the later detailed stage is quite at odds with the notion of 'world class civic engagement'.

If Design Codes are to be central to how people engage in the system, then the public needs confidence in the process itself, which must be participative and requires access to time, resources and an excellent set of skills. They also need confidence in the outcome, and at present there are many examples of developers not adhering to codes or briefs that currently exist, either as Supplementary Planning Documents, or produced to support or condition outline permissions. Clarity is needed as to how Design Codes are to be upheld, (for example by a legal planning permission or by covenant) and what procedure is required to renegotiate or diverge from an agreed Code. This also means that LPAs must be able to remove Permitted Development rights wherever this is necessary to ensure Design Codes are effectively implemented when development happens.

The emphasis on Design Guides and Codes as a key to community participation also misses two other fundamental issues:

- A substantial proportion of development is not residential (the whole PWP tends to overlook this point) but is commercial, infrastructure, public realm and other uses. Design is just as important to these, and there are many existing design guides relevant to them, but there is very little design guidance that integrates those different uses in a place-making context. The evidence base and skills base to make good, participative Design Codes and guides happen is lacking.
- The proposal to allow strategic scale housing schemes to come forward through the NSIP regime would mean, in the terms set by the Planning Act 2008 that consideration and determination of such schemes would be by the Secretary of State, rather than the local planning authority. Presumably this also means that the NPPF and National Design Code would be applied in those cases. In other words, the very largest developments would be the ones for which public influence – both in principle and in design – would be the least. This is profoundly undemocratic.

CPRE recommends that the government produces further proposals for consultation on what design codes should contribute to sustainable development, how they should be consulted on, and how they should be enforced. Key issues that should be benchmarked in order to achieve the quality improvements that Ministers want to see include energy efficiency, green infrastructure, internal living space standards and quality of transport links. There are off the shelf industry standards that can be adapted, in particular the BRE Home Quality Mark.

On consultation, based on our joint report with Place Alliance, we believe that there is a need for both public pre-consultation on a draft code and guide before they are formally drafted, as well as both a public consultation and design review of a draft code and guide.

Codes can be enforced through the existing system of planning enforcement but in order to do so they will need to be clearly referred to in planning permissions and conditions. The NPPF should give a strong steer to local planning authorities and developers that codes will be enforced on pain of heavy penalties for breaches.

Question 18

Yes. For CPRE's position on a design quality unit, please refer to the joint briefing with Place Alliance and others.

At present, LPAs vary in their use of codes and briefs, depending in part on their resources and skills, so the establishment of Director of Place roles in each authority would be positive and welcome. Of course, the Director would also need a team and a viable budget, which adds to our concern to ensure that LPAs are properly resourced to implement the reformed planning system effectively. To open the process up further, there may be value in a competitive stage to Design Code-making so that the public can see how different design professionals interpret their priorities for a site with differing visions for design.

Question 19

Yes. It is essential that new homes are well designed, and Homes England has a role to play in raising standards. We must also emphasise that there is simply no excuse for new homes that benefit from public financial support not to be net zero-carbon or to fulfil decent standards of density, internal and external space, and again Homes England must lead by example in going well beyond Building Regulations in these aspects.

Question 20

No. References to 'provably popular designs' and a 'fast-track for beauty' are not credible, and we cannot support them. We are particularly sceptical about the scope for widening permitted development rights. Given the diversity in visual character of places and landscapes across England, the scope for large developments and townscapes to be replicable is minimal and replication would often be undesirable in any case. The proposal for a fast track implies that design quality could be narrowed down to a few aesthetic criteria for the buildings themselves. This is a disservice both to local communities and to design and place-making professionals, who understand that how places function and how they look are deeply inter-related: for example, walkability is closely linked to the design and connectivity of spaces that are not car-dominated. The implication that proposals adopting certain design styles or approaches will be less open to

scrutiny than other proposals would be plainly wrong-headed. It would also be a barrier to innovative and imaginative designs, which are likely to be squeezed out by off-the-peg solutions that slavishly follow whatever standardised formulations of beauty or popularity have been adopted.

Also, the suggestion that these proposals will help the take up of modern methods of construction (MMC) is misplaced. The take up of MMC is limited not by the planning system but by, among other factors, developers not wanting to hold built out and unsold houses on their asset books (see evidence to the Letwin Review from market analysts at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718879/Build_Out_Review_Annexes.pdf, p.AX241).

Given that each LPA will have a Director of Place, and if local design codes are given the status and deliberation needed to confer quality and enforceability, then compliance with the local code should certainly carry great weight in decision-making, while divergence from the code would need to be clearly justified and agreed by the Director of Place. A 'fast-track for beauty' would potentially circumvent this local quality control, which is why it is unacceptable.

Question 21

As mentioned elsewhere in our response (see under Question 4), CPRE believes that the role of development must be to re-shape places and communities, to make them better, healthier, more equitable places. People's overriding concerns when development happens in their area are:

- loss of environmental amenities and loss of wildlife;
- increased damage to public safety and environmental quality due to road traffic; and
- lack of capacity in schools, healthcare and public transport.

It is essential that development becomes a mechanism to help actively improve these factors - a net-gain approach - rather than pressures to be mitigated or thresholds to be limited.

Question 22

22(a) Not sure. CPRE is sceptical that the proposed Infrastructure Levy will deliver more affordable housing.
(b) Locally as per the current system.
(c) Not sure.
(d) Not sure.

Supporting statement for 22(a) and combined summary for questions 22-25

CPRE supports the principle of reforming the planning gain regime, and improving the way in which land value is captured to contribute to infrastructure.

The PWP's proposals appear unlikely to offer a sufficient improvement on the existing system because:

- the Infrastructure Levy (IL) will not raise enough money for infrastructure needs, especially where land values are lower;
- the emphasis on affordable housing, while welcome in itself, is likely to be lost in practice due to tensions with providing contributions for other aspects of infrastructure; and
- the emphasis on First Homes creates a high risk that IL contributions will not deliver genuinely affordable housing in most areas.

Combined detail

S106 has always had its failings and there is therefore plenty of scope for reform. In its current form, it is a vital lifeline to the affordable housing sector, as in many or most areas it is the principal source of supply. However, it is also evident that S106 is more effective in areas where development values are higher, and that it is not capable of delivering the overall scale of affordable housing that is needed.

CPRE considers that reform of S106 and CIL should give greater focus to what it needs to deliver for communities. At present, there is an inconsistency of emphasis in the PWP: most of the proposed reforms are presented as broad-brush ideas and principles for systemic change, but are light on detail; while the Infrastructure Levy questions are highly specific and seem to gloss over the principles.

The principle of planning gain is to capture a proportion of the value accruing to developers and landowners from the granting of planning permission, and use it to provide public benefits. To the extent that the current arrangements are unpopular both with communities and with developers, this arguably boils down to three issues:

- it is not raising enough money to pay for the scale and range of community benefits that are needed, especially in areas where development values are lower;
- it is resented by the development industry which feels that it is being asked to shoulder a disproportionate share of the total infrastructure provision needed in an area; and
- the combination of land market speculation and the provision of thresholds and viability let-outs have given developers huge leverage to negotiate contributions downwards.

The key questions for the PWP proposals are therefore:

Will they raise more funds, especially in lower value areas, and will they remove developers' incentives to play the system?

Will they positively impact the levelling-up agenda, considering that over 50% of current developer contributions accrue to London and the South-East?

In principle, if the new Infrastructure Levy (IL) amounts to a development value tax, then this has the potential to offer a simplification that may be welcomed. Land value capture is an important

principle that CPRE supports, and a value tax has potential to be fairer and more easily administered than the present system.

The PWP also indicates that the value generated by the IL will be proportionate to the development value – which is logical in itself, but should be read alongside the statement*: "It is important that there is a strong link between where development occurs and where funding is spent"*. The Neighbourhood Share is fine in theory, but there appears a high risk of exacerbating spatial inequality, unless IL funds raised in higher value areas can be used to support community infrastructure in lower value areas.

CIL is widely disliked by developers, and is not well-suited to tackling spatial inequalities because, in areas where development values are low, either the charging levels are set very low or zero, or CIL has not been adopted at all. The CIL Review Report 2017 (para 3.2.3) found that *"a number of authorities…will never implement a CIL, mostly for reasons of viability [and] tend to be in the midlands and north"*.

Even where CIL is operating, it is not raising the anticipated levels of revenue. As a consequence, it is not delivering infrastructure in a timely manner, nor helping communities.

It is worth noting that the CIL Review recommended a universal but low-level infrastructure tariff that would be set locally based on a national formula; and a bespoke, negotiated arrangement for larger schemes. These recommendations were built on extensive research. As with other aspects of the PWP, it appears that recent, high quality evidence of the reforms that are recommended, and might work, has not been heeded.

In principle, the new Levy becoming payable on occupation reduces risks for developers, while councils' ability to provide infrastructure up-front by borrowing against future receipts may give more confidence to communities that the infrastructure will be forthcoming. However, it is fraught with risks to the public purse. Payment of the Levy is being deferred to a future time when market conditions may have substantially changed compared to that in which permission was granted, and if so developers will inevitably seek to renegotiate their liabilities, leaving councils with both unpaid debts and future reduction in anticipated receipts.

We are also very concerned by the government's evident bias in favour of home ownership. There are of course significant advantages to owning your own home, but it has never been an option open to everyone, nor will it be in the future. The planning system needs to work fairly for everyone, regardless of whether they wish to remain in their existing tenure or change to a different one, and it cannot therefore operate with a built-in assumption that one tenure is preferable to others.

Through Starter Homes and Help to Buy, there has already been an inherent bias towards ownership for some time, which has manifested as a state subsidy for private sector housebuilders. When the Infrastructure Levy proposals are looked at alongside the provisions for First Homes, which will require the first 25% of all affordable housing schemes to be First Homes,

we can see that a significant proportion of the Infrastructure Levy may end up recycled into subsidising home ownership, not in to addressing overall needs for social rented housing and community infrastructure including schools and parks.

The PWP implies that the Infrastructure Levy will be the primary vehicle for delivering affordable housing. There are often concerns that affordable housing is pushed to the back of the queue for S106 contributions. A common example of this is where a road upgrade is prioritised for S106 contributions and this compromises the viability of the affordable housing element. In principle, therefore, emphasising affordable housing may be welcome, but it must be complemented by real public investment, especially in areas where the Infrastructure Levy is unlikely to raise enough money. Without that complementary investment, the Levy will fail to deliver. For that reason, we recommend that the Levy, with an assumed minimum level or 'floor' of expected annual contributions, should form part of a holistic national programme of government investment in affordable housing (see following paragraph).

CPRE believes that new build schemes should become mixed communities where possible, avoiding segregation of affordable homes from market housing in terms of location and appearance where possible. We would therefore support incentives such as that floated in paragraph 4.22 for affordable homes to be built on-site. We also believe that there is scope to obtain increased contributions from private schemes (viz question 23c) but a different approach may be needed for the increasing number of cases where local authorities are leading housing development. We recommend that there should be an assumed national floor on expected contributions so that the Levy can be used as part of a national programme of affordable housing delivery, with government support targeted on areas that are less likely or able to provide affordable housing through developer contributions.

Question 23
Yes. CPRE agrees with including changes of use through permitted development rights within the scope of the Infrastructure Levy. The November 2018 report of the Raynsford Review of Planning, which CPRE co-sponsored, highlighted the problems arising from excluding office to residential permitted development conversions from affordable housing contributions.

Question 24 (a) Yes. Please see statement under question 22(a).
24(b) CPRE prefers the right to purchase option as a matter of principle, in order to secure mixed communities where possible.
24 (c) Not sure. No direct comment.
24 (d). Yes. CPRE recommends that the NPPF should set a clear expectation that design codes should be tenure blind, i.e. apply equally to all types of housing in a scheme, and also incorporate a recognised minimum internal space standard as one of the benchmarks. See also response to question 17 above.

Question 25 (a) Not sure. In CPRE's view the current legal and policy tests for planning obligations work well. We would argue against the use of Infrastructure Levy to reduce council tax. Local

services, including planning services, are already severely under-resourced and we do not see how reducing the funding of them would be in the public interest.
25 (b) Not sure. We are keen to see more affordable homes being provided but we are unsure that introducing a further limit on local discretion in this manner would be helpful.

Question 26

An online-only approach could have an Equality Act implication due to differential access for some older people and some minority ethnic groups. Similarly, digital engagement systems and smartphone apps will have to be of the very highest standards if they are to avoid discriminating against people with, for example, visual or motor disabilities.

There is also a possible broader inequality issue in the PWP that gives us concern, arising from the proposed approach to zoning. When someone wishes to influence and scrutinise a development proposal that affects them, they will have differential opportunity to do so depending on which zone the development is in. While this might not have an Equality Act implication in principle, it could do so in practice if Renewal or Growth zones tended to be in or near neighbourhoods with higher populations from minority ethnic groups. This risk would be eliminated if the PWP removed the alternative consenting regimes from the zoning proposals.