

**DRAFT COUNCIL RESPONSE TO GOVERNMENT CONSULTATION ON PLANNING
FOR THE FUTURE: WHITE PAPER**

OCTOBER 2020

**White Paper: Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
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Consultation on Planning for the Future: White Paper Consultation

Thank you for the opportunity to respond to the consultation on the Planning for the Future White Paper.

The consultation sets out a very broad package of proposals for reform of the planning system in England. While we welcome several of the proposals, such as greater use of digital technology in plan-making and decision-taking, we have a series of concerns with the White Paper as a whole. Our key concerns are set out below.

Resources

Local Planning Authorities (LPAs) are already under considerable resource pressure with the current system and fee set-up. Far greater resources will be needed to deliver the types of Local Plan envisaged by the White Paper. Introducing a new 'zoning' style system in parallel with the existing system will add significant strain on resources and will require resources to be much more front-loaded. The shift to greater use of digital technology will also require additional resources. We note the White Paper saying the Government will look at how extra resources can be made available for LPAs to support the delivery of the reforms, but wish to reiterate that the resource issue will need to be seriously addressed.

We oppose the reforms which would grant automatic refunds or rebates of planning fees and oppose deemed planning permission beyond certain time limits.

Democracy

We are concerned that the proposals for more streamlined planning decisions could undermine the important democratic role of the planning system, either via public consultation or via Planning Committees – democratic input is crucial to gain communities' trust in the planning system, and also to deliver better development on the ground

It is also considered that a new 'zoning' style system which runs in parallel with the existing system could be very confusing for communities.

Affordable housing/infrastructure delivery

The Council is concerned about the proposals for a reformed 'Infrastructure Levy', particularly the potential consequences for affordable housing delivery if future provision is to

be secured through the levy rather than through planning obligations. It is unclear too what will happen to other non-financial obligations which are covered by Section 106 such as employment and skills training and off-site provision of play space. The Infrastructure Levy should increase delivery of affordable housing and the value of infrastructure contributions versus the current Section 106 and Community Infrastructure Levy regime.

Climate change

The Council declared a climate emergency in March 2019 following strong local lobbying. We consider that climate change is not given sufficient weight in the White Paper. Reducing carbon emissions and mitigating and adapting to climate change are a key component of creating sustainable places and the planning system is a key tool to achieve this.

The White Paper aims to deliver net-zero greenhouse emissions by 2050. This needs to be more ambitious and happen sooner. This would be a backwards step for the Council which seeks to achieve a net-zero borough by 2041

Not only is climate change not explicitly addressed in this White Paper, it is undermined in a number of key ways. The White Paper relies on the Future Homes Standard (FHS) to set the carbon reduction standards, however as set out in our response to the FHS consultation it falls short on a number of important aspects such as unregulated and embodied emissions reductions, changing the emphasis from a fabric-first approach to that relying on renewables and grid decarbonisation and the way it treats Decentralised Energy Networks.

The reformed planning system should signal its support for delivering zero carbon homes. We support the need for a national approach to requiring all new development to meet high environmental and carbon standards, requiring these to be zero carbon with low overheating risk without relying on air conditioning.

The abolishment of Section 106 will have major implications for delivering carbon reductions and climate change mitigation in our borough. We need obligations to establish, build and connect developments to decentralised energy networks. Only a handful of sites will be eligible for on-site energy centres, and it requires Section 106 agreements to ensure that adjacent and nearby sites commit to building the necessary infrastructure to connect to a wider network, undertake the necessary feasibility work to connect, commit to building to appropriate design standards and pay for necessary connection charges or offset contributions. It will also take away the possibility of securing carbon offset contributions where developments offset emissions they cannot deliver on site.

Next steps

The Government will need to consult on more details in due course, with relevant parliamentary scrutiny of any new primary or secondary legislation. There will need to be a lengthy transition period to minimise disruption.

Please find the Council's responses to the individual questions on the following pages. Please contact Bryce Tudball, Planning Policy Team Manager, should you require further information or clarification.

Changes to the current planning system: Consultation on changes to planning policy and regulations

Pillar One – Planning for development
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Q1: What three words do you associate most with the planning system in England?	N/A
Q2: Do you get involved with planning decisions in your local area? [Yes / No] 2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]	I am responding on behalf of a Local Planning Authority (Haringey Council).
Q3: Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]	The Council welcomes the Government's proposals to make it easier for communities to access plans and contribute their views on planning decision. In particular, the Council supports the move towards modern digital planning services which are inclusive for all members of society. However, it is important to recognise that local planning authorities will require additional resources to increase engagement beyond current levels and to digitise how it is done. The cost of delivering this will be substantial as there will need to be considerable investment in resource, skills and technology to facilitate it.
Q4: What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]	The Haringey Borough Plan 2019-2031 sets out the Council's four priorities: Housing, People, Place and Economy. Key priorities for planning in Haringey include: being a fairer borough which has significantly reduced inequalities and considerably narrowed the gap in outcomes; being a zero-carbon borough by 2041, playing a leading role in taking action to address climate change and developing resilience to its effects; and increasing the supply of genuinely affordable homes so everyone has a safe, stable and affordable homes, regardless of their circumstances.
Q5: Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]	The Council welcomes that Local Plans are proposed to be retained as a key part of the planned system. The Council agrees with the principle of simplifying Local Plans, however it is considered that placing all areas of land into one of three categories would be a significant oversimplification and would not be able to take sufficient account of the different characteristics of land and its potential for accommodating new development. The alternative option of combining growth and renewal areas into one category is less preferred. The Council is concerned about the prospect of having to produce Local Plans which grant Permission of Principle consent. Notwithstanding that this would be a substantial task requiring major resource, this route is not

	<p>considered appropriate for granting permission on large and complex sites and risks undermining local democracy. The process involved in undertaking detailed site assessment and initial masterplanning to establish the appropriate level of development for a site, and subsequent consultation for a significant number of sites in a Local Plan, would also add considerable time to the process of Plan preparation, undermining the objective of streamlining.</p>
<p>Q6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council objects to the proposal that there should be no provision for the inclusion of generic development management policies within Local Plan. It is unclear how blanket national development management policies would work given each local planning authority is unique and there are major differences between many of them. The Council prefers the alternative option stated which would allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed. The Council supports the principle of policies being written in machine-readable format so that they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes, however this would needed to be tested in advance of wider roll-out to ensure that it works effectively.</p> <p>The proposal notes that design codes would ideally be produced on a 'twin track' with Local Plans. Local planning authorities would require significantly more resources to do both these tasks in parallel.</p>
<p>Q7: Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.] 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>	<p>The Council broadly supports the proposal to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact. It is considered that this could help local planning authorities to get Local Plans adopted more quickly while at the same time ensuring that they continue to be sufficiently robust and deliver the key aims of the English planning system. The current system places a very high bar for Local Plans at examination which does not lend itself to fast production of Local Plans. The Government's alternative options of reforming the tests to make it easier for a suitable strategy to be found sound also appears to be reasonable.</p>

	<p>The Council notes that the Duty to Cooperate is proposed to be removed with further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges). While this is broadly supported, it is essential that a comprehensive framework is put in place for strategic planning in England. The Council strongly recommends that the London Plan/Spatial Development Strategy is maintained as this provides an integrated economic, environmental, transport and social framework for the future development of London.</p>
<p>Q8 (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council does not consider that a revised standard method is an appropriate route for establishing a binding housing requirement figure for each local planning authority. An algorithm of the type proposed would not take proper account of the land and other constraints that a local planning authority is subject to nor the opportunities that might be available for accommodating new development.</p> <p>Haringey is located within Greater London and is subject to the Mayor of London's statutory spatial development strategy ("the London Plan"). The London Plan assesses housing need for the capital as a whole and then apportions targets based on the capacity of the 32 boroughs to accommodate new homes. This approach to planning for housing was found sound at examination in 2019. The White Paper states that it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers. The Council supports this and seeks confirmation that this will continue to be the case in London. This will provide certainty for communities, developers and Councils in London, and allow us to continue our ambitious progress on our New Local Plan with a clear, deliverable housing target.</p>
<p>Q9 (a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p>	<p>No. The Council does not support the establishment of a parallel consent system to the existing 'conventional' planning permission route. As a starting point, this change would be confusing for communities and make it more difficult for them to understand how they can influence the changes in their area. The grant of planning permissions via this route would reduce the opportunity for communities to be involved in the planning decisions which affect them. The</p>

<p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Council notes that the Government proposes more/better public engagement as part of the preparation of Local Plans, however it is concerned about the extent to which this is achievable. Local planning authorities would need to be provided with significantly more resource to deliver this, and the implications on timeframes therefore should not be overlooked. The Council is also concerned about the diminished role of elected members and Planning Committees in this new consent route. The democratic functioning of the planning system must not be bypassed. The Government has indicated that it wants Local Plans to be produced much quicker. If the Council is to grant planning consents for substantial developments via the planmaking process then it will need to carry out significant work in this regard to ensure its conclusions are sound. This would take a significant amount of time and appears incompatible with fast plan production. The work required to support this would come at considerable cost (e.g. evidence base assembly) and there would also be considerable cost associated with the public engagement around substantial sites. Local planning authorities would therefore need to be provided with significantly more resources to bring forward the type of Local Plans envisaged by the Government. It is essential that where development is restricted that any development proposals coming forward would come forward as now through planning applications being made to the local authority.</p>
<p>Q10: Do you agree with our proposals to make decision-making faster and more certain?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council is one of the best performing authorities in London for making planning decisions on a timely basis. Notwithstanding this, there are a range of legitimate reasons why an application may not be possible be determined within statutory time limits and therefore an extension of time is required. We therefore oppose the Government's proposals that there should be automatic refunds of planning fees if an authority fails to determine it within the time limit or that with some types of applications there should be a deemed grant of planning permission if there has not been a timely determination.</p> <p>As a general principle, we support the greater use of digital technology within the application process. Authorities will however need to be provided with greater resources to deliver this.</p>

<p>Q11: Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council is in general agreement that Local Plans should be made more accessible and web-based. We also support the plan-making process being digitised, particularly where this support greater community engagement with Local Plans. It should be noted however that authorities will require additional resources to deliver this. It must also be remembered that there are key sections of the community who are excluded from digital engagement or who prefer to engage through more traditional methods. There must continue to be a focus involving these people in the decisions which affect them.</p>
<p>Q12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council does not consider that the proposed statutory timescales are realistic. The timescales do not provide sufficient opportunities for public engagement, especially the enhanced role that the Government is suggesting during Plan preparation, and they do not have regard to the democratic processes of Councils. The type of Local Plans which the Government envisages will need to be supported by significant amounts of evidence, especially if grant consents for substantial developments within growth areas. Authorities do not currently have resources to deliver the Local Plans that the Government wishes to see delivered, let alone within 30 month statutory timescales. Significantly more resource needs to be provided by Government to local planning authorities to enable them to produce high-quality plans in a timely fashion.</p>
<p>Q13: (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.] 13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>	<p>The Council agrees that Neighbourhood Plans should be retained. These are an important tool for local communities to shape development within their area.</p>
<p>Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes. The Council notes the important role of affordable housing in helping support the delivery of schemes. This de-risks major schemes and supports developer cash flow where affordable homes are sold in bulk. The Government should enable the delivery of more low cost rented affordable homes by providing additional grant funding. Additional measures should be targeted at developers and housebuilders, particularly where a developer or house builder has a track record of slow or non-delivery and land banking. Expansion of and alternatives to the 'use it or lose it' proposal for planning permissions should</p>

	be explored. Support would be given for enhanced and streamlined CPO powers for Council's to enable them to take control of stalled or non-delivering sites quickly, and ensure they are completed on time.
Pillar Two – Planning for beautiful and sustainable places	
Q15: What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]	N/A
Q16: Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]	The Haringey Borough Plan 2019-2033 sets out the Council's four priorities: Housing, People, Place and Economy. Key priorities for planning in Haringey include: being a fairer borough which has significantly reduced inequalities and considerably narrowed the gap in outcomes; being a zero-carbon borough by 2041, playing a leading role in taking action to address climate change and developing resilience to its effects; and increasing the supply of genuinely affordable homes so everyone has a safe, stable and affordable homes, regardless of their circumstances.
Q17: Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]	<p>The Council considers that design codes and guides are a good idea in principle and takes the view that they would help support much better urban design. They would be essential as part of the reformed planning system envisaged by the Government. As a general point, the Council favours design codes being binding on decisions about development.</p> <p>The Council supports community participation in the process of producing design guides and codes and regards local buy-in (alongside professional expertise) as essential. The production of high-quality design codes and guides will however take time and would require resource and expertise to deliver. This would be especially challenging as part of a Local Plan with statutory timescales.</p> <p>It is noted that there are a range of routes through which design codes could be produced (e.g. council led/developer-led). Developer-led design codes can be suitable for large sites with a single, large developer but can be problematic with multiple developers or smaller sites where co-operation is required. There is also a concern about whether the design codes produced will truly be in the public interest. As a general point,</p>

	the Council favours design codes being binding on decision about development.
Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]	Yes. the Council agree that the Government should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making. We particularly agree with the Government where it says that its vision for beauty will require improved resourcing of planning departments. Design codes and guides are resource and personnel intensive, as is community engagement associated with them, and extra resource would also need to extend to the funding of a chief officer for design and place-making.
Q19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]	Yes
Q20: Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]	<p>The Council does not agree that a fast-track should be introduced for beauty. While design is a key consideration when making planning decisions, it is just one of potentially many important considerations. Expediting approvals based purely on design is therefore not supported.</p> <p>As a general point, the Council favours design codes being binding on decisions about development. This would require design codes to be written such that anything in compliance is deemed to be acceptable from a design standpoint. Compliance with an adopted design-code could be treated as a 'tick-box' exercise which confers planning permission provided the principle of a development is accepted and other requirements/standards are met. There should be an option available to diverge from the design code but this should require consideration via a 'conventional' planning application route.</p>
Pillar Three – Planning for infrastructure and connected places	
Q21: When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]	N/A
Q22 (a). Should the Government replace the Community Infrastructure	The Council considers that there is considerable scope to improve the current Community

<p>Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]</p> <p>22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]</p> <p>22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Infrastructure Levy (CIL) and Section 106 planning obligations regimes. Based on the (limited) information provided in the White Paper the Council does however have considerable concerns about the introduction of a new consolidated Infrastructure Levy to replace CIL and S106. Firstly, the Council has significant concerns that the consolidated Infrastructure Levy would raise less money than is currently raised through CIL and Section 106. The White Paper sets out that the Government aims to increase revenues nationally but this could mean that revenues fall in some areas. It is essential that the Infrastructure Levy captures the same amount of value overall, or more value (on a local authority area basis), to support greater investment in infrastructure, affordable housing and local communities.</p> <p>Secondly the Council is concerned about the practical implications of replacing Section 106 which has great importance beyond securing financial contributions from development. Sectional 106 is used to secure a variety of non-financial obligations (e.g. offsite or in-kind provision) and it is also a key tool for controlling key planning matters such as phasing/sequencing.</p> <p>The Council supports the Government's alternative option that Infrastructure Levy could remain optional and would be set by individual local authorities. This is necessary to take account of the unique development economics relating to each authority. A national rate is completely inappropriate given the huge difference in development values across the country. An area-based rate would also not be appropriate. For example, development values vary greatly within and across London.</p> <p>The Council supports the opportunity to borrow against the Infrastructure Levy to support infrastructure delivery. It is concerning however that the new Infrastructure Levy could push further risk onto authorities as would appear to create a greater reliance of forward funding via borrowing. It is difficult to make reliable forecasts about future income from a fixed levy.</p>
<p>Q23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes, this would provide additional funding to address the infrastructure demands created by new development. It may also help make development more acceptable to local communities.</p>

<p>Q24 (a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>53</p> <p>24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>If affordable housing is to be secured as part of the consolidated Infrastructure Levy it is essential that this secures at least the same amount of affordable housing, and as much on-site affordable provision, as at present. The aim should be to achieve increased levels of affordable housing delivery, particularly low-cost rented homes. It is also essential that there are safeguards in place to ensure that affordable housing quality is of the appropriate quality.</p> <p>Affordable housing targets should continue to be set by individual authorities based on assessments of local need and viability. The Council objects to any nationally set proportion such as is suggested under the 'right to purchase' alternative option.</p> <p>If an in-kind delivery approach is taken, there should be no local authority overpayment risk in respect of affordable housing. The developer should be required to meet the Council's affordable housing policies regardless of the whether the Infrastructure Levy covers the cost of this.</p>
<p>Q25 Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>The Council agrees that local authorities should have fewer restrictions over how the Infrastructure Levy is spent.</p>
Equalities	
<p>Q26: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?</p>	<p>The proposals are very wide-ranging and have potential to impact both positively and negatively on protected groups. It is important that the impacts are properly considered as the proposals are refined and progressed.</p>