

The Association of Directors of Environment, Economy, Planning & Transport ([ADEPT](#)) is a professional association that represents executive 'directors of place' from county, unitary and combined authorities, along with directors of local enterprise partnerships, sub-national transport bodies and corporate partners drawn from key service sectors. More than two thirds of households in England rely on services provided by ADEPT members including housing, environmental and regulatory services, planning, development, culture, and highways and transport. ADEPT represents its members' interests by proactively engaging Government on emerging policies & issues, promoting initiatives aimed at influencing government policy, and through the sharing of best practice, professional networking and development opportunities. Our strategic priorities include climate change and the environment, infrastructure and communities; and place-based funding.

As a local council director body, we are keen to submit evidence to this inquiry into 'The future of the planning system in England'. However, the small window of opportunity to provide comment, along with the need to finalise our response to the government's consultation on 'Planning for the future' white paper, means we have not been able to refine our responses to the specific questions asked under this inquiry. In summary however, our top three messages on planning reform are as follows:

- ADEPT seeks to work with government to develop a locally engaged, simplified and responsive planning system that will create healthier, sustainable and inclusive places. To achieve this, funding mechanisms must ensure all areas of the country have the right investment in homes and critical infrastructure, regardless of land value.
- We want to see a collaborative planning system that puts addressing climate change, biodiversity (and wider environmental) net gain, and tackling inequality at its heart. Planning must support local regeneration through enabling the green economy, employment and skills to create resilient places and communities.
- Communities, represented by local democracy and leadership, are the backbone of successful places. Good planning requires local place knowledge, accountability and the ability of communities to have a real say in the future of their towns, cities and neighbourhoods.

To provide greater context, I attach our introductory remarks to the consultation on the Planning White Paper (Annex 1).

We would be delighted to provide verbal evidence if the opportunity arose.

Yours faithfully

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Annex 1: ADEPT response to the planning white paper consultation

Overall, we are supportive of the Government's ambition to create a more locally engaging, simplified and responsive planning system. The current system has become overly process based and complicated, with more of a focus on numbers and addressing risk than true place shaping. The White Paper is undoubtedly the most radical set of proposals to be put forward by any Government since the creation of the planning system in 1947, not least because it seeks to fundamentally move from a discretionary system based on local democratic decision-making to a hybrid, rules-based zonal approach not seen anywhere else in the world.

We consider that the proposed reforms as set out in the White Paper require more evidence to substantiate them. As presented, the paper sees the planning process and planning system as about regulation and control rather than achieving wider sustainable outcomes. Our key messages are:

1. We share the ambition to create a locally led planning regime that can act at pace to help create sustainable places. ADEPT considers that successful housing delivery will require both better scale and cross-boundary planning aligned to infrastructure delivery. Our offer is to work with the Government to improve the proposals as set out in the White Paper, and to help develop the necessary details to alleviate concerns about less local democratic involvement, a climate focus and levelling-up the distribution of resources.
2. The White Paper remains fairly high level in its content; the detail will be key to understanding how this will truly impact on local communities.
3. The current proposals risk being undemocratic from a local authority perspective, given the future role it envisages for elected councillors and the significantly limited influence that local people will have in relation to decisions about their towns, cities and neighbourhoods through further deregulation.
4. The White Paper misses a once-in-a-generation opportunity to place the climate and biodiversity emergencies at the heart of the English planning system.
5. There is a real opportunity to use the White Paper reforms to support creating a post-Covid world where communities are designed to be healthier.
6. The proposals are likely to lead to increased inequalities across the country through an unfair distribution of resources that favours higher value areas such as London and parts of the South East, disenfranchising local communities in the process.
7. Whilst a stronger emphasis on building out rather than gaining consent and not progressing development is welcome, the proposals offer little in support for LPAs to act. In fact, they appear to penalise the LPA for the actions of developers or other factors outside of their control. It is worth noting that analysis by the Local Government Association ([February 2020](#)) found that more than a million homes granted planning permission in the past decade have not yet been built. In addition, the number of planning permissions granted for new homes has almost doubled since 2012/13, with councils approving 9 in 10 applications.
8. While in some cases there will be a time lag between permission being granted and homes being built, new build completions have only increased by half as much in that time. Encouragingly, completions last year were the highest in any single year in the past decade.
9. Whilst the need for housing is well understood, there is too much emphasis on housing requirement in the White Paper - greater focus needs to be given to economic development, employment and skills, wider roll-out and coverage of superfast broadband, and public health and well-being, of which there is no or little mention.
10. Many of the proposed reforms in the White Paper are aimed at bringing more standardisation to the planning system, particularly with a range of nationally set, top-down targets, standards and requirements. This does not reflect the local social, economic, environmental and financial challenges that affect many local authorities.

11. There is a lack of clarity and detail in the White Paper on the role, function and operation of strategic planning across Local Planning Authority (LPA) boundaries. In this context we support the general principles of the proposals recently published by the County Councils Network ([here](#)), which sets out that closer collaboration between all leading parties in setting out long-term visions for their areas will help reinvigorate strategic planning.

Planning should involve considerations about what a society wants from urban change, to what extent governments should limit the operation of the market in pursuit of private interests and finally, what the government should deliver in the public interest. Therefore, at the heart of planning are issues of democracy. What the White Paper brings to a head is a clash between competing visions for the future of planning: one based on a centralised, rules-based, streamlined, fast and deregulated structure versus a values-based approach that is democratic, transparent, accountable, equitable, outcome-focused and which positively promotes the achievement of sustainable development. The White Paper proposes change based on the first of these visions for the future. The choices made now will define the future for several generations to come.

The White Paper states that the planning system is central to our most important national challenges including combating climate change, improving biodiversity and supporting sustainable growth. However, it then fails to set out proposals to deliver these goals. In addition, the consultation document gives no opportunity to comment on these vital issues beyond describing local priorities for sustainability. Planning must help tackle the climate emergency: the planning system must be designed to help deliver the low/zero carbon, climate resilient places that are needed. The White Paper fails to address this. The government needs to ensure that the forthcoming National Planning Policy Framework (NPPF) and supporting guidance do so.

The White Paper proposes a radical change to the way in which monies are collected for developments, by replacing the Community Infrastructure Levy (CIL) and the use of Section 106 agreements by a new Infrastructure Levy. The introduction of an Infrastructure Levy could simplify the current mixed pattern of CIL and S106. However, there are concerns about the introduction of a mandatory, nationally-set rate based on a proportion of the development value above a certain threshold. This could mean that the Infrastructure Levy would not be payable if those developments do not meet the minimum threshold. Furthermore, it would only be payable on the proportion of the value that exceeds the minimum threshold. Many areas of the country, particularly outside the South-East, have marginal viability. There is a real risk that low value areas under the new system result in LPAs being unable to secure contributions towards new infrastructure. This means that those same local authorities will be left carrying the financial burden of mitigating the wider impacts of development.

Furthermore, the proposed calculation does not consider the wide variation in site specific acquisition and enabling costs, for example land value, demolition and remediation. Such an omission of half of the contributing factors to a scheme's viability will inevitably mean a combination of the following outcomes:

1. Large numbers of sites (especially brownfield) become unviable
2. The delivery of housing is slowed
3. The rates are set so low that they do not deliver infrastructure to at least current levels
4. Planning gain from the increase in land values upon planning consent will not be captured on sites that can afford it, particularly on strategic greenfield sites.

The lack of any detail of how the new system would work in two-tier areas raises many concerns and uncertainties for county councils, and how they would secure developer contributions for service provision and new infrastructure in the future.

ADEPT members have cited examples of CIL rates having been set too low when compared to potential Section 106 contributions that could have been obtained from comparable scales of development. Similar concerns would be applicable to a national Infrastructure Levy and whether this could achieve the appropriate scale of planning gain for communities.

It is unclear how site-specific infrastructure that is required for the functioning of individual sites would be secured. We would want to understand how the Infrastructure Levy would work in this respect. There is also the potential that adding affordable housing to a possible use for the Infrastructure Levy, along with proposals in White Paper that the levy could also be used to support other council services and subsidise council tax, further reduces funding available for infrastructure.

The White Paper also only seems to focus on financial payments for infrastructure and its proposals to abolish CIL and Section 106 agreements. Whilst this is appropriate for CIL, Section 106 agreements have a broader use than just the provision of financial contributions. Obligations contained within S106 Agreements can:

- restrict the development and use of land in a specified way
- require specified operations or activities to be carried out
- mitigate the impact of a development that would otherwise make the development proposed unacceptable in planning terms, where planning conditions alone would not suffice.

This functionality of S106 seems to have been overlooked in the White Paper. It is unclear how this will be replicated in the new system or indeed if it is just the financial contribution element of S106 that is to be scaled back.

The White Paper is also not clear (other than for affordable housing) whether works in kind by developers would be an offset against a development's Infrastructure Levy liability or indeed how these non-financial types of obligation would be addressed, should Section 106 agreements no longer be available within the new system.

As the new levy would be charged on occupation of new development, there would be more onus on local authorities to forward fund new infrastructure. This could expose them to increased financial risk, particularly to fund larger strategic scale infrastructure, such as highways improvements and school place provision.

Aside from the lack of current detail about what new plans will actually contain, how they will be tested and what level of evidence might be required, any new approach will need to embed itself within the working practices, skill levels and resources of LPAs and all others involved in the development process. Where extra resource is mentioned in the White Paper this is in terms of reskilling, changing roles and retitling of chief officers rather than significant new resource. Furthermore, if Local Plans were to enable an automatic permission as proposed in the White Paper, it implies more resources would need to be directed at the plan making stage to ensure all issues are understood and appropriately planned for. This also includes statutory consultees, where potentially there could be shift in who provides evidence from developer to consultee to protect assets. In addition to diverting resource from the development management phase to the plan making stage, there is a need to factor in much quicker timeframes for delivery.

The planning, funding and delivery of infrastructure is a key concern in the proposals, which do little to address the uncertainty around what infrastructure should be funded locally or nationally via central Government departments. Or in a levy-based approach, what certainty can be given to communities that accept growth over what infrastructure may be delivered in support when decisions are to be made at a different time and against other competing priorities.

The ambition to reduce unnecessary process that has become embedded in planning is welcome, as it will allow planners to get back to what they do best - place shaping. It is noted that the White Paper sets out several matters of principle with detail on how to achieve these outcomes to follow. ADEPT would be happy to assist in filling in these spaces.

The White Paper has a strong focus on housing delivery and proposes changes to the planning system to that end. No real consideration is given to other types of development, and no specific reference is made to the operation of the minerals and waste planning system. Planning is about so much more than housing: minerals are essential for development and the economy, and the waste arising from houses and the economy needs to be managed. It is not clear therefore whether the changes proposed will apply to waste and minerals planning.

When viewed in the context of housing provision, waste management and minerals supply are a strategic matter. As minerals can only be worked in certain locations, it is hard to see how allocation of sites for extraction fits with the proposed system of Growth, Renewal and Protected Areas. The White Paper states that 'Protected Areas' "*would also include areas of open countryside outside of land in Growth or Renewal Areas*". In identifying such areas, there is a need to take account of the fact that economic minerals which may need to be worked in future underlie open countryside, that the tests that apply to enable such development in these areas (such as 'exceptional circumstances' in AONBs and National Parks) and the acknowledgement that minerals extraction is not necessarily harmful (e.g. 'not inappropriate' in Green Belt, compatible in Flood Zones) must continue to apply and not become more onerous.

The 'permission in principle' proposed for Growth Areas could be translated and applied to allocated sites (for minerals or waste), while the 'presumption in favour of development' proposed for Renewal Areas could apply to Preferred Areas for minerals, to provide greater certainty (while acknowledging that outline permission does not apply to minerals extraction and so the terms of the 'permission in principle' would need further consideration). It is important to recognise that any shift in the burden of requirements on planning authorities away from dealing with planning applications and towards plan making (as suggested by the White Paper) might lead to lost application fees received by the LPA, and could therefore actually reduce the resources available to LPAs to run this new planning framework.

It is important that a mechanism is put in place to ensure that the identification of Growth and Renewal Zones will not jeopardise existing waste and minerals infrastructure (including wharves and railheads) and takes account of mineral safeguarding areas (i.e. areas where economic mineral geology exists) and the 'Agent of Change' principle is continued to be applied.

Mineral safeguarding areas should default to the category of Protected Zones with the same requirements for full planning application for development within these areas i.e. Development can come forward subject to a planning application demonstrating impact on the economic mineral.

The White Paper removes the Duty to Cooperate mechanism as a means by which local authorities are expected to co-operate as they plan for matters which are larger than local. We are supportive of this; the mechanism has not been entirely effective in ensuring that waste management and minerals

supply are planned for at the strategic level. However, it will need to be replaced by other mechanism/s.

Removal of requirement for Strategic Assessment is supported if replaced by rigorous assessment of how the Plan constitutes 'sustainable development'. With regards to the proposal to replace the current tests of soundness with a single 'sustainable development' test, it isn't clear whether this will in fact be adequate. For there to be confidence that Local Plans are planning for future development appropriately, they will always have to be justified, effective, consistent with national policy and positively prepared based on objectively assessed need. On this basis, any single 'sustainable development' test of the soundness of plans will need to incorporate these elements and show how they are to be tested.

A stronger link to energy from waste and heat use (e.g. via district heating networks) to maximise Energy from Waste (EfW) plant efficiency should be provided for within the proposed national suite of development management policies.

Waste and Minerals Local Plans are usually contentious, and the evidence required to justify such plans needs to be rigorous and effective. Reducing the standard of evidence required is likely to erode public trust in the planning system and may have detrimental impacts on the environment and communities. Reducing the opportunities for the public to engage with the planning process through consultation is likely to exacerbate the erosion of public trust in the system and in democracy.

Greater focus should be provided, as the proposals in the White Paper are developed, on the role that planning and the built environment should play in promoting healthy communities. It is essential that a reformed planning system delivers housing numbers within well-designed places that support public health outcomes. Within any new arrangements, Local Plans need to consider specific issues related to an ageing population, or particular needs of the local population in relation to long term health conditions and disability. We would welcome a strengthening of proposals in the White Paper, that reflect the NPPF guidance in relation to an ageing population and housing to support people with disabilities. This is particularly relevant in the context of the current COVID-19 pandemic.

In an attempt to deliver communities that promote healthy lifestyles and well-being, an overhauled system should urge development proposals to be supported with health impact assessments and engagement with public and environmental health bodies. This engagement should take place during both plan-making and decision-making processes.

In addition to promoting healthy communities, the government must assure itself that places planned in the future promote equality. This is an aim that is fundamental to delivering good growth and should be echoed at the national scale.