

Annexe 1 – Wider implications of proposals in Planning for the Future White Paper

Plan-making

The Government has drawn on international zonal systems to propose a hybrid planning system. However, zonal systems rely on often lengthy plans and plan-making stages, as befits the level of detail required to secure high-quality development. The proposed 6 week consultation phase and a further examination phase is grossly inadequate as the main means for communities to help shape their neighbourhoods. Good engagement takes time, including community capacity-building and iterative discussion. Co-design processes, as championed in *Living with Beauty*, take 6-12 months and significant resource to be meaningful. A 30 month Local Plan process does not allow for this, particularly if design codes with coverage across whole local planning authorities are expected to be twin tracked. The detail required to deliver “beauty” and high quality, high performing, functional design across 365 local planning authorities is simply not deliverable within the timescales set out particularly in the context of reduced local authority capacity¹. Without such detail in place, there would be limited safeguards for the fast-track permission processes envisaged.

Use of plans and codes to determine appropriate development is often slower and significantly less flexible than a discretionary planning application process. Furthermore, many international systems focus on scale and massing criteria rather than aesthetic appearance, and this is at odds with England’s historic focus on uniformity and the references such as Victorian-style pattern books in the White Paper. In the English context, insistence on rigid design features stifle innovation and would preclude many of our best contemporary developments, favouring a tick-box approach to specified ‘traditional’ building elements which fail to cumulatively deliver great design or great places. The Government’s own research has found that design is relatively low on the list of factors that are likely to reduce opposition to new development². The impact of zonal systems on land markets should also not be underestimated. These can significantly inflate land values and landowner expectations in areas designated for development. These higher development costs will make it harder to deliver the type, scale and quality of development that is needed and appropriate to the relevant area. Finally, these proposals risk considerable local authority expenditure to prepare the prescriptive codes necessary to avoid further negotiation at development stage, but which do not match the aspirations of the developer who proposes an equally sustainable but very different scheme. Such a waste of scarce public funds would be unconscionable. The Government must accept that achieving certainty is usually at the expense of providing flexibility.

Pursuit of national development management standards would be a significant centralisation of the planning system that sits at odds with the Government’s devolution agenda. International examples of zoning systems have layers of different plans, and the level of detail is provided as needed and at an individual neighbourhood level. Moreover, there are few genuinely local housing markets contained within single local authority boundaries particularly for built up urban areas. It is therefore recommended that Spatial Development Strategies (SDSs) continue to play their current role for city-regions, in line with arrangements in other global cities, with local and neighbourhood-level influence over details of design and implementation as

¹ The GLA 2020 Place-shaping Capacity survey shows that capacity is already stretched. Compared to 2014 most disciplines have reduced in size with average place-shaping teams 24% smaller. The survey can be found at <https://www.london.gov.uk/what-we-do/regeneration/advice-and-guidance/helping-london-local-authorities-deliver-good-growth>

² Source: MHCLG, [Public attitudes to housing 2019](#). Figure 1.4 ranks “possible advantages that might increase support for more homes being built in the local area” according to a national survey, with “higher quality design of homes” coming in tenth behind things like social infrastructure, transport and affordable housing.

appropriate. Future versions of the London Plan and other SDSs would need to be provided for in the national statutory plan-making process and aligned with local plan preparation.

Where national policies are pursued they must still allow for more city-region/local standards where a one-size-fits-all approach would reduce quality standards, development capacity or are otherwise unambitious or inappropriate. Such standards must also be expansive enough to deliver good growth including the range of measures that will be needed to tackle the climate emergency and biodiversity crisis, for example, rather than a limited approach focussed on say energy standards and nods to sustainable transport³. Other matters such as housing type and tenure must be more responsive to housing markets than national standards would allow. My London Plan, providing consistency across 35 local planning authorities, provides a useful starting point for discussion.

London's 48 Opportunity Areas (OA) also provide a useful proxy for considering the implications of the proposed Growth Areas in built up urban areas. OAs are designations in the London Plan (enshrined in local plans) with development capacity to accommodate a range of uses, typically containing capacity for at least 5,000 net additional jobs or 2,500 net additional homes (or a combination). Many OAs cross borough boundaries and most are linked to key transport infrastructure investment. They include large, vacant brownfield areas such as the Royal Docks and areas of existing dense urban fabric with significant heritage assets such as Victoria. They collectively provide planned, deliverable capacity for almost 500,000 homes and over 700,000 jobs. Whilst all of these areas have capacity to deliver significant growth (hence the OA designation) the Growth/Renew/Protect classifications and associated consent processes are too blunt a tool to be useful. Not all sites in these areas are suitable for unfettered development; flexibility is needed to optimise capacity at a granular level, which is achievable by excellent design and may enable more development, where appropriate, than set by plans. Plans that categorise land for specific development rapidly get out-dated and are unable to adapt to unforeseen or unpredictable events (for example the fall-out from the current pandemic).

A further example of why the White Paper designations fail to provide a useful framework can be seen in London's Strategic Industrial Locations. The new London Plan provides for intensification of these areas in prescribed circumstances. These locations could usefully have a 'growth' designation for further industrial development; but may need 'renew' classifications for other commercial land uses and a 'protect' classification for housing and community uses. This highlights the significant omission from the White Paper to meaningfully consider non-residential uses, economic development or the contribution non-residential uses make to communities and neighbourhoods. The system as currently described appears to simply have binary choices: a blanket designation (with an unjustified focus on housing) and inflexible list of uses.

The London Plan is much more than just a planning document and that is what makes it well suited as a vehicle for achieving many of the Government's ambitions. It is the key document that shapes London, providing a strategic framework not only for housing but also economic development, design quality, infrastructure delivery, transport, green and open spaces, environmental performance and community development. We also show leadership and take

³ Examples include circular economy, achieving net zero and whole life carbon, heat risk, water infrastructure, active travel prioritisation, provision and infrastructure, private vehicle use restraint, urban greening, air quality and other pollutants including light. This is alongside embedding measures set out in the government's Environment Bill and 25 Year Environment Plan within the planning system such as net gains in biodiversity.

ambitious innovative policy approaches for example related to the agent of change, housing standards, affordable housing, the circular economy and zero carbon.

Development Management

Our experience shows that it is not possible to determine fully the parameters of schemes at plan-making stage as details, ownership, markets and local preferences all change to a greater or lesser degree over time. In some cases, a less discretionary system could force more conservative assumptions at the local plan stage, for example if there is no opportunity to assess the potential for rail capacity upgrades during the outline permission stage. International examples of protracted re-zoning processes are to be avoided. The system will need timely consents-based mechanisms to scrutinise variations from the specified criteria and for acceptable schemes to be delivered in a timely way. I suggest the Government revisits the approach to planning set out in the White Paper creating a comprehensive yet simple suite of consents to allow sufficient flexibility outside the plan-making functions.

Alongside these considerations, after 10 years of austerity which is having a devastating impact on local councils, the development industry craves a properly funded planning system⁴. The suite of consents I refer to above should include full cost recovery for discretion outside the standards and criteria established at plan-making stage, to incentivise compliance and ensure that the scale of departure and resources required to properly assess it is fully reflected in the application cost to the applicant rather than diverting funding from front-line services.

Housing targets and delivery

As set out in my response to the consultation on changes to the current planning system, the method proposed is not fit for purpose in a London context, does not respond to the complexity of London's housing needs and produces an undeliverable target for London. The algorithm is flawed because it double-counts the effect of affordability, ignoring deliverability, and driving higher housing targets in areas where there is limited land available because it is already intensively developed. One example is Kensington and Chelsea, which has a housing need figure of 3,285 per year generated by the algorithm compared to a capacity of 448 homes per year determined through the robust London Plan preparation and examination in public process. A more sophisticated model is required to better reflect the reality of dense urban areas and ensure housing calculations don't actively discourage ambitious boroughs elsewhere in England.

There are contradictions between the White Paper and your Minister for Housing⁵ regarding how and by whom the constraints will be applied to any standard method. You will be acutely aware of the difficulties inherent in this process to identify sufficient development capacity whilst respecting the necessary protections: including Green Belt, heritage and capacity for the non-residential functions needed to build well-connected, economically successful and resilient places, particularly in a post-Covid world. It is unclear how a consistent application of constraints could be applied nationally whilst also taking advantage of distinct ambitions or opportunities available locally.

⁴ The GLA 2020 Place-shaping survey <https://www.london.gov.uk/what-we-do/regeneration/advice-and-guidance/helping-london-local-authorities-deliver-good-growth>

⁵ <https://www.conservativehome.com/platform/2020/09/christopher-pincher-the-housing-growth-numbers-that-youve-seen-arent-set-in-stone.html>

The Mayors of London and other combined authorities (including those that emerge through the anticipated Devolution White Paper) are best placed to ensure the strategic delivery of the right development in the right locations and supported by key infrastructure.

Notwithstanding our objections to the proposed standard method, any nationalised housing targets should be applied at the London/Metropolitan authority level as we are also best placed to advise on the constraints, opportunities and accommodations needed to significantly increase housing delivery as sought by the proposals. I would strongly recommend the process used to derive London's capacity, which involves a consistent application of constraints across the capital, where the 'live' London Development Database is utilised to identify known capacities, and potential sites are optimised through a design-led approach responding to site specific context and opportunities.

Moreover, in order to boost housing delivery, much more attention needs to be given to the market factors that constrain delivery and which fall outside of the control of authorities and the planning system. It is well understood that there are inherent commercial constraints which prevent house builders from delivering enough homes to reduce house prices and meet housing need, but the Government has consistently failed to grapple with this. Instead, the White Paper diverts attention from this reality and forces disruptive and damaging changes at a time when a strong planning system is vital to support good growth and recovery from the pandemic. To address this, recent national and London-wide housing commissions have highlighted the clear case for significant counter-cyclical investment in affordable housing⁶. Notably, the review of build-out by Sir Oliver Letwin found that increasing funding to social rented and other types of affordable home would increase build-out rates by making delivery of these homes less reliant on cross-subsidy from market housing, and also found that demand for affordable housing and purpose-built private rented homes is largely additional to rather than a substitute for demand for market sale homes. A large increase in funding for affordable housing is of course also required to meet London's substantial housing needs⁷.

Design and "Beauty"

I support the Government's recognition of the importance of high quality development, which is critical for healthy and resilient communities and strong local economies. However, I would strongly encourage you to focus on a broader definition of good growth such as the principles set out in my London Plan. It is important that quality of the built environment is defined, not with too much focus on an aesthetic judgement, but as the things we need to enhance our quality of life in an ever-denser city – including light, air, access to green and open space and privacy. It is about the function and performance of places.

The tragic Grenfell fire and the ensuing building safety crisis have pointed to the need for a change in the regulatory and policy systems, prioritising public and building safety over profit and aesthetics. Examples of broader considerations which are lacking from the White Paper and which a too much focus on aesthetic considerations could compromise include: safety including fire safety; far-reaching measures to tackle climate change and the biodiversity crisis; inclusive design principles; enabling of active travel; improved air quality; vibrant streetscape and economic diversity which need to be further prioritised in the post-Covid world⁸.

⁶ https://www.london.gov.uk/sites/default/files/2020-07-21_housing_delivery_taskforce_recovery_plan_rev1_1.pdf

⁷ <https://www.affordablehousingcommission.org/news/2020/9/23/report-a-national-housing-conversion-fund-buying-properties-to-boost-affordable-housing-supply>

⁸ Good Growth by Design programme developed with the Mayor's design advocates. The Healthy Streets Principles in the Mayor's Transport Strategy.

Any principles or criteria used to define the White Paper concepts of beauty for the purposes of the planning system will also need to reconcile local character and preferences with other considerations such as modern modes of construction, the modal shift needed to achieve the objectives set out in the Department for Transport's *Decarbonising Transport – Setting the Challenge* for example and broader interventions required to meet the government's net zero commitments.

National Infrastructure Levy and affordable housing

The proposal to replace S106 planning obligations and Community Infrastructure Levy with a national Infrastructure Levy will have serious implications for the delivery of affordable housing, infrastructure and development in London. This would cause significant disruption and uncertainty for planning authorities and developers at a time when the greater certainty is needed.

A nationally set Levy would remove regional and local decision making and not take into account local needs for community infrastructure, affordable housing or other planning obligations that make development acceptable. Transport infrastructure improvements – which can vary considerably between sites – play a particularly important role in enabling developments to come forward and at greater densities. A nationally set rate could not reflect the significant variation in development values across the country and different uses. A one-size-fits-all approach, or even different area rates, would either not secure the same level of affordable housing and infrastructure contributions as currently or would put lower value developments at risk. Therefore, if the Government is to proceed with this in some form despite the significant concerns, the rates for any new Levy must be set at the metropolitan or city-region level. In addition, if S106 planning obligations for site specific mitigation are to be replaced, city-regions must be given some flexibility in how the Levy is structured, for instance the option of developing automatic tariffs that are ringfenced for necessary transport improvements.

Calculating and paying the charge at the end of the development process will mean that infrastructure will not be in place to support development, which will restrict delivery. Local authorities will not be in a position to take on the risk and costs of borrowing to fund infrastructure as the White Paper suggests, particularly given that the amount to be paid through the Levy will be unknown. Pushing back payment to the point of occupation while giving permission for development through the plan process would make it almost impossible to reflect planning requirements in land values. I also have serious concerns that a valuation exercise would be needed for almost every case which would make the Levy hard to assess and enforce.

The proposals also set out the intention to transfer the risk of affordable housing delivery to local authorities. This is simply unacceptable. The prospect that affordable housing would need to be handed back to developers would both undermine public trust in the planning system and be unworkable.

It is also vital that the funding that is currently secured for Crossrail and strategic transport infrastructure is not put at risk. Key transport infrastructure plays a critical role in increasing housing delivery (including affordable housing) and it is important this is recognised.

Given the far-reaching consequences of the proposals, it must be absolutely clear that any changes will be workable and effective before they are implemented. The technical response provides further details on how this could be achieved without restricting development in London.

Digitisation

The GLA endorses the role of digitisation in planning in the future. You will be aware of the London Development Database which has been refined since its inception in 2004. This year, together with the Planning Portal I introduced a new platform for 'live' data feeds from the boroughs and currently have 25 boroughs up and running with all of the remaining boroughs on track to join shortly.

Building on this success and the work on infrastructure co-ordination, later this year we will be commissioning the first ever digital SHLAA, a 'live' SHLAA that can be used at any time to support plan- and decision-making. This complements the huge range of publicly available data through the London Datastore and TfL, supporting third-party app creation and leading the way in openness and transparency.

I have successfully delivered innovation opportunities for SME in this space through running a Civic Innovation Challenge, which resulted in open source 3D visualisation software, PlanBase the first big step to opening the planning system to all, even those with limited cognitive spatial awareness.

Given the GLA's leading role and experience I have two key concerns about the delivery model. Firstly, it envisages a new ecosystem of SMEs providing tools and innovation to the planning and development industry. This is concerning because it assumes already under resourced planning teams across the country have the necessary funding available to them. I welcome much of the success achieved to date through seed funding projects through the Local Digital Fund, however there is a significant change to how planning services are funded, they will simply be unable to be customers and the widespread benefits of the digitisation of planning will not be achieved. It will also be crucial to have systems that can 'speak' to each other and are coordinated.

Secondly, greater emphasis needs to be put on data and how the planning system can be most effectively used to harvest and collate data. Without this, data innovation will be stifled and key opportunities for digitisation to address challenges such as tackling climate change, affordable housing and infrastructure planning will be missed.

We will continue to support the government's digitisation agenda and my officers will be happy to discuss further with MHCLG to share knowledge. We are also happy to discuss this limitation of digitisation as the primary means for community engagement, including issues of access to technology and exclusion.

Conclusion

The Planning White Paper requires a clear understanding and evidence of the multiple impacts it will have in practical terms is needed to underpin its proposals. Much of this could be done within the existing planning system, but the mechanisms proposed such as Local Development

Orders have a poor take-up because they are not particularly useful. The Government also needs to engage with real place-making and delivering the Good Growth needed to face the challenges of climate change and the biodiversity crisis, Brexit and the pandemic, not just shallow concepts of housing numbers and “beauty”.

The White Paper doesn't demonstrate the acuity needed to deliver a good planning system and the upheaval resulting from more tinkering with a system already under stress just harms the ability to take decisions, engage with local communities about their preferences, develop local plans and deliver the necessary infrastructure needed to support development. As I have noted previously, the failure of the government to effectively engage with and respond to my London Plan for now 10 months fails to demonstrate a capability of delivering a fast, responsive planning system.