

# CLIENT BRIEFING NOTE

16<sup>th</sup> September 2020

## HOUSING WHITE PAPER – WHAT ARE THE IMPLICATIONS?

The White Paper: *Planning for the Future*, heralds ‘radical reforms’ to the planning system in England and puts forward a more plan-led zoning system.

However, this might not be so radical compared to land allocations (which many Local Authorities have failed to secure).

Is this zoning system that radical? We fear not, but it does set some clear ‘front loaded’ principles to try and make applications (if applicable) easier in the future.

A national target to deliver 300,000 houses a year will inform a (minimum) 10-year Local Plan system; albeit importantly the National Planning Policy framework will be given primacy through defining standardised Development Management policies. It is envisaged there will be a “*standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built.*”

The Local Plan will solely dedicate itself to area and site specific ‘rule based’ masterplans and design codes; governing matters such as height, scale and density limits, as well as any practical limitations (i.e.: constraints). Proposals that deviate from those rules will require a separate planning application which seems inflexible when market forces and housing products change rapidly.

The zones for development include:

- Growth areas suitable for “*substantial development*” – including areas for new settlements and re-development. Land included in this category in Local Plans would have outline approval.
- Renewal areas “*suitable for development*” – for smaller scale development, densification and infill and development in rural areas.
- Protected areas – “*sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local*



*Wildlife Sites, areas of significant flood risk and important areas of green space.... It would also include areas of open countryside outside of land in Growth or Renewal areas."*

Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

It is envisaged that detailed planning permission in Growth areas could be secured in one of three ways:

- a reformed reserved matters process for agreeing the issues which remain outstanding;
- a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or
- *"for exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents. Similarly, we will consider how the planning powers for Development Corporations can be reformed to reflect this new framework."*

In Renewal areas, there would be a general presumption in favour of development established in legislation. Consent for development would be granted in one of three ways:

- *"for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements;*
- *for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or*
- *a Local or Neighbourhood Development Order."*

In Protected areas where development is restricted, any development proposals would come forward through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the National Planning Policy Framework.



Design Codes are set to become a pinnacle feature within the determination process; defined at the adoption of the Local Plan. Design Codes will be guided by:

- National Design Guide (October 2019)
- National Model Design Code (Autumn 2020)
- Revised/Updated Manual for Streets
- Neighbourhood Planning Groups (NPG's).

The input for NPG's will be essential for Design Codes to have weight.

A 'Fast Track for Beauty' is envisaged to help streamline an "easier permission" even leading to various forms of Permitted Development Rights via conformity to 'popular and replicable' forms of development. However, (1) what is popular, (2) who makes that judgement and (3) will this hinder innovation and originality?

The consultation also seeks to bring forward interim changes surrounding:

- Extending the current 'Permission in Principle' to major development
- Securing of 'First Homes' (discounted sale) through developer contributions
- Changes to the method for assessing Local Housing Needs
- Temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing (suggested at either 40 or 50 homes).

A Consolidated Infrastructure Levy aims to charge at a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or rates. The options include:

- *a charge on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;*
- *be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;*
- *include a value-based minimum threshold below which the levy is not charged, to prevent low viability*



*development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold; and*

There is also a clear emphasis on a Land Value Capture (tax) based on a “*small and fixed allowance for land costs.*” The government suggests they could also “*seek to use developer contributions to capture greater proportion of the land value uplift that occurs through the grant of planning permission to enhance infrastructure delivery.*”

We would urge you to express your views about the White Paper and it will set the formula for the planning system in the future. The ‘devil will be in the detail’ and we are not so sure this proposed system is radical, but it is clearly moving to unblock cumbersome processes; albeit that’s premeditated on front loading a planning system which is already under resource constraints.

We encourage reform and change, but do they need to be ‘radical’ when some of the key executions can merely be reformed based on our current planning system? We will let you ponder.....

[BCM Housing White Paper Webinar recording](#)

**END**

If you have any queries, please contact

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