



White Paper: Planning for the Future

Response submitted by the National Trust to the Ministry of Housing Communities and Local Government

October 2020

With our staff, members, volunteers and supporters, the National Trust is the biggest conservation charity in Europe. We protect and care for places so people and nature can thrive. Many millions share the belief that nature, beauty and history are for everyone. So we look after the nation's coastline, historic sites, countryside and green spaces, ensuring everyone benefits. For everyone, for ever.

Introduction

The National Trust welcomes the opportunity to respond to the Planning for the Future White Paper consultation. As the UK's largest private landowner, a conservation charity, significant tourism and rural business, and occasional developer, planning law and processes affect our work on a daily basis. This includes everything from the management and sustainable development of our own land and buildings to the need to engage constructively and effectively with the development proposals of others when they impact the places we hold in trust for the nation.

The National Trust was founded 125 years ago on the simple and enduring idea that people need historic, beautiful and natural places. We have a long history of championing the fundamental importance of the planning system for conservation and for creating places that benefit communities. The National Trust is not against change and development. But it is our strong belief that the role of the planning system is not simply to deliver houses, nor, despite the Government's very welcome public commitment to maintain protection for heritage and the environment, is it merely to throw a defensive barrier around what exists today.

The planning system is one of the most powerful tools we have to shape and deliver a positive future. As such, it needs to be balanced, and capable of delivering multiple benefits. It must work at a range of scales from the fine grain of the urban environment, which Covid restrictions have served to remind us is so central to quality of life for many, while often worryingly lacking for some, to that of the open landscapes, catchments and ecosystems that are critical for future sustainability and survival. It must be adaptive, able to anticipate and respond to climate and other forms of change, and it cannot be a 'stand-alone system' but must operate in conjunction with other policy, regulatory and fiscal tools to deliver holistic outcomes. The single biggest risk with the White Paper is that in the quest for speed and simplicity it simply does not adequately address enough of the above.

What is needed from the planning system: the National Trust's most significant concerns.

The extent of the planning reforms being put forward by the Government are sweeping, but light on practical detail. At a high level, we can see how they might produce some appropriate development decisions. Our overarching concern is that, with its headline approach of boundaries and subdivisions, tick box codes and automatic permissions, the Planning White Paper as currently conceived misses the bigger point. Our aim should be something at once smarter and more ambitious.

From short to medium term shocks like the Covid-19 pandemic and the uncertain impact of EU exit on the economy, to longer term nature and climate crises, the challenges we face as a nation are greater than ever, and we need a planning system that supports us to respond. The National Trust agrees that we must 'build back better', and would like to see a recovery that respects and makes best use of our past, allows equal opportunities for people to thrive and enjoy our present in nature and culture, and secures our future with action on climate and the environment.

This means an approach that delivers long-term social and environmental improvement as well as short-term economic gain; that puts a priority on enhancing the health and wellbeing of individuals and communities. Long-term planning cannot be about short-term economic growth alone. Our goals should be to build social, cultural and natural capital, drive a low carbon transition, and deliver climate resilience and mitigation alongside economic gain. Putting the right conditions in place to drive sustainable economic activity and job creation that meets the needs of the future should be a key aim.

We should also recognise the opportunity to use the planning system to help address inequalities of 'place' and the Government's 'levelling up' agenda. The Covid-19 pandemic has not impacted everyone equally and has thrown into sharp relief how those living in lower quality environments, without access to nature or culture, have been particularly affected. Our goal should be to create more high quality, locally distinct places so everyone can enjoy nature-rich, green spaces on their doorstep, access to local heritage and shared cultural spaces that help bring communities together.

To ensure that the planning system supports these ambitions we must address some fundamental short-comings in the White Paper as we perceive it. This includes putting mechanisms in place to ensure that we proactively plan for and deliver more nature, appropriately scaled and interconnected, rather than simply seeking to mitigate the impacts of development. We should also aim to do more than allocate existing conservation 'crown jewels' to 'protection areas', but instead encourage investment and enhancement, whether for nature's recovery, the adaptation and reuse of historic buildings or flood betterment.

We must ensure that we can plan and deliver at scale, in order to address the full range of economic, social and environmental issues we face and the Government's ambition to leave the environment in a better state than it is currently in. The replacement for the Duty to Cooperate for example needs to be more than just a way for tightly constrained local authorities to work with their immediate neighbours to address housing need. Mapping, and associated strategies and plans, should be prepared for large geographies at county, sub-region or regional levels, and take into account the role of landscape-scale ecosystems such as river catchments and corridors, and the functionality of green infrastructure in serving the needs of modern cities and city-regions.

Nor can the planning system approach the environment as fixed. Undiscovered archaeology can be revealed anywhere in the country, and new research brings new understanding of the value of existing structures. Nature does not fit neatly into defined areas. It is omnipresent, it migrates, and it will do more so in future as the climate changes. There is not enough clarity in the Planning White Paper on how to deal with areas of changing or fluid environmental context, including climate change adaptation. To give just one example, there should be a role for Coastal Change Management Areas within the new system as the mechanism for dealing with areas vulnerable to coastal change.

Finally, the Government's focus on beauty, heritage, local distinctiveness and good design is much needed and very welcome, but beauty is more than skin deep. Good design is not just about design codes and aesthetics, it is about how a place works. At a local level we need a system capable of delivering a holistic vision for a place, with clear incentives to improve quality, connectedness and nature and cultural provision, particularly for communities that are poorly served. Local improvements need to be more than single faceted. It is positive to set expectations for tree lined streets for example, but we should also include ambitions to create and enhance green spaces in urban centres. Appropriate urban densification in 'renewal zones' is one way to relieve the pressure on greenfield land, but we also need to foster a positive attitude to undeveloped urban land, which provides a home for nature and can absorb and accommodate both heat and flash floods. It is important to retain some degree of open space. Further thought is required on how to deliver much of the above, including a stronger focus on planning obligations to fund and deliver green as well as grey infrastructure.

Planning is the nation's most important tool for shaping the physical environment to meet our collective needs. An effective system should deliver appropriate development in the right places, provide communities with necessary services and infrastructure, safeguard our environmental future, and enhance and conserve our historic and natural environments to create great places to live for everyone's benefit. The very significant changes proposed in the Planning White Paper to a system which, while not perfect, has served us well for almost 75 years, demand close measured scrutiny. Not just in terms of how to implement the proposals well, which in itself is important, but also to ensure that we understand precisely what the changes will mean in practice. The complete overhaul of

our planning system is too important to take lightly or to rush. Anything less risks potential negative impacts for generations to come.

Additional points regarding effective implementation

The National Trust supports the principle of an effective and proportionate planning system and welcomes the Government's ongoing commitment to a locally planned and implemented approach. However, we do not accept the White Paper's assumption that the planning system is the sole blocker to bringing forward housing delivery, growth and development in general. The challenges are complex and include the issue of build out rates, and the chronic under-resourcing of local authorities. These too are issues that the Government must address if it is to achieve its aims.

The latest figures around unimplemented planning permissions from the LGA are revealing¹. These figures show that 2,564,600 units have been granted planning permission by councils since 2009/10 while only 1,530,680 have been completed. The number of planning permissions granted for new homes has almost doubled since 2012/13 with councils approving 9 in 10 applications. 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. LGA research also indicates a 52% decrease in house-building work starting and a 62% decrease in homes completed in April to June 2020 compared with the same period last year². These figures point to a case that the planning system is being effective in consenting housing schemes; but that more needs to be done to implement permissions already granted, and to support continued housebuilding in uncertain times. In recommending the 300,000 homes per year target in 2016 for example, the House of Lords Economic Affairs Select Committee highlighted that the Government must recognise that these wouldn't be delivered by the private sector as currently incentivised. Instead, it would also depend on incentivising and enabling delivery by local authorities and housing associations, with them making a much bigger contribution to housebuilding.³

The challenge of resourcing the planning system to ensure its effective operation must also be grasped by Government alongside reform. In recent years, while application numbers and other burdens on Local Planning Authorities (LPAs) have grown⁴, we have also seen a significant decline in the number of planning staff, falling 15% between 2006 and 2016⁵. Additional impacts have been felt due to the related reduction in local authority environmental expertise, between 2006 and 2018 a decline in conservation officers by 35% and archaeologists by 34%⁶. Research by ENDS has found that only 26% of local

¹ <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

² <https://www.local.gov.uk/lga-responds-latest-housing-supply-figures>

³ Building More Homes, report of the House of Lords Economic Affairs Select Committee, 2016, HL Paper 20

⁴ http://ecab.planningportal.co.uk/Uploads/Planning_Portal_Market_Insight_Report_September2020.pdf

⁵ NAO Planning for New Homes Feb 2019 <https://www.nao.org.uk/report/planning-for-new-homes/>

⁶ <https://historicengland.org.uk/images-books/publications/tenth-report-la-staff-resources/>

authorities in England have in house ecological expertise.⁷ Cuts to key statutory consultees, including Natural England (which has seen a budget cut of over 44% in an 11-year period)⁸ and Historic England (49% real-terms cut in funding between 2010/11 and 2019/20)⁹ have also been made. This degree of resource reduction will inevitably impact on the quality and pace of delivery.

In terms of tackling this issue, we acknowledge opportunities for digital innovation and efficiencies such as consolidated expertise within LPAs, although care must be taken to learn from the experience of authorities which have already gone down this route. The White Paper itself makes some suggestions around earned autonomy, which we address later, and we recognise that to some degree Government sees the move away from a site by site discretionary system as a means to free up resource to facilitate quicker plan making and more robust enforcement. We must however be careful not to assume that there is a simple calculus between freeing up resource in one area and adequate resource in another. It is also a question of the skills, experience and confidence of the professionals required to make the system work. The development management focus of the current system, and under-resourcing in many LPAs has resulted in the erosion of some of those strategic allocation and master-planning skills that will be needed in the new system. Substantial additional investment in enforcement and a culture change to deliver this sort of activity will also be required.

The ability of the new system to secure high quality, sustainable development will also rely on ongoing investment in upstream data collection and infrastructure. We are particularly concerned about how this will work in relation to important issues like heritage, archaeology and ecology. The White Paper proposals require excellent up-front data in order to make sound land allocations, but this data has yet to be assembled, updated, and in some cases created. The associated hardware infrastructure also needs addressing. There is an important question about how these needs will be funded, as we make a fundamental shift from the current system which relies on developer funded site-specific assessment. Even with proper investment, up-front data won't be able to identify every asset such as hidden archaeology or the unexpected discovery of important and endangered species. We therefore seek reassurances that there will be clear mechanisms for considering these assets within the new system.

The White Paper proposals put an emphasis on digitising the planning process to improve engagement and decision making. The opportunity to introduce 3-dimensional modelling to support understanding is particularly interesting. At a high level, the Trust supports the modernisation of the planning system in this way, although here too we note that adequate investment will be key. However, it should not be assumed that merely making it easier for the public to engage through digital systems will automatically result in increased

⁷ <https://www.endsreport.com/article/1585763/capacity-crunch-councils-expertise-deliver-biodiversity-goals>

⁸ Supplementary written evidence from Natural England (NER0092). Budget figure as at May 2017

⁹ Historic England Three Year Corporate Plan, 2018-21, <https://historicengland.org.uk/images-books/publications/he-corp-plan-2018-21/>

engagement. The nature of democratic engagement with the planning system is important. People respond to specific planning applications because they are concrete and so they can understand the direct impact of specific proposals on things they value. Far fewer engage upstream where it is harder to visualise what a strategic plan will mean in practice. Most people lack the time, confidence and skills to do so. The proposed move to a more permissive system within the framework of upfront spatial allocations creates a significant risk that by the time a local community comes to understand the impact of a specific proposal it will be too late to affect it in any meaningful way. It is likely that this will intensify communities' concerns that development is 'done to them' and erode confidence in the planning system, rather than increase it. A substantial culture shift and change in the skills, attitudes and expectations of communities and individuals is required and that simply cannot be achieved quickly. This is particularly concerning for the first round of Local Plans, which will be in place for a substantial amount of time until community engagement is sought again.

We perceive the White Paper proposals overall to be very focussed on urban housing delivery, and failing to take a sufficiently holistic approach to other key planning issues that will need to be factored into the new system, such as waste management, infrastructure and highways, and marine planning. Whether seeking to regenerate communities or create new ones, for places that are truly liveable more than house building needs to be taken into account. At the same time, proposals need to recognise the different challenges faced by rural areas, which will require full consideration. To give an example, we must ensure that planning can accommodate future shifts and changes in the agricultural system, allowing land managers to diversify, and deliver environmental goods and services along with food.

Overall, we are concerned that there is little detail on how these proposals will support the Government to achieve its ambitions in the 25 Year Environment Plan, and the contribution that reforms will make towards tackling climate change. As stated above, the planning system must work in tandem with other initiatives to solve the nature crisis and reduce carbon emissions, and we would welcome clarification of how the proposals in the White Paper will support this.

Finally, we would like to highlight that the proposed scale and pace of change raises questions about the ability of our already overstretched planning sector to cope: it is required to respond to multiple consultations and changes, including the expansion of Permitted Development rights, changes to the current system and these long-term reforms. Whilst the system is complex and would benefit from simplification, the scale of change happening concurrently only serves to make it more complex, and harder to understand and navigate.

Nevertheless, if the above challenges are met and the changes delivered well, the National Trust does believe that the proposed reforms could produce good planning outcomes and improve the quality of our existing places and new developments. But change at such a fundamental level carries huge risks and addressing those risks

successfully will require significant care, consultation and attention to detail. As well as increased funding and new systems and processes, it needs to be recognised that this will require a cultural shift around decision making and the way everyone engages with the planning system.

Key elements that need addressing

There is currently little detail in the consultation on how the Government proposes to implement its proposals, which to some extent limits our ability to assess whether or not they will ultimately deliver the right outcomes for people, heritage and the environment. However, in order to be constructive, we summarise below what the Trust would like to see addressed as proposals are further developed. This is not an exhaustive list, but does represent some key elements:

- The system needs excellent data up front in order to make sound land allocations. Most national strategic datasets need updating and investment, and in the new system this won't be funded by developer's site-specific assessments as it is now. The Government will need to address this significant data and funding gap – both now and in the long term.
- We welcome the commitment to protecting designated sites, but landscapes, nature and heritage are unlikely to neatly fit into 'areas'. We need to go further than simply polish the conservation 'crown jewels'. Lockdown has shown us that we all need access to nature, heritage and beauty close to where we live. The approach in Growth and Renewal areas will need to be sophisticated enough to enhance local character and provide access to nature and heritage at a local level.
- Even with proper investment, up-front data won't be able to identify every asset – e.g. unrecorded archaeology or the unexpected discovery of important and endangered species. We seek reassurances that there will be a requirement to report on-site discoveries, and to take appropriate action should anything be found. Where there is risk or lack of clarity, sites in all areas should only be allocated dependent on future site-specific assessments being carried out.
- The paramount importance of green infrastructure to the health and wellbeing, resilience and economic success of a place has not yet been adequately addressed in the proposals. This is a significant missed opportunity for national and local government, particularly as Covid-19 recovery and renewal strategies are planned, and consideration is given to climate change resilience and meeting net zero targets. The Government's clear ambitions to deliver local nature strategies and recovery networks in particular are almost entirely disconnected from the Planning White Paper proposals. A clear route to delivery through planning is needed.
- It is not clear from the White Paper who will produce design codes and how these will enable local planning authorities to insist that local distinctiveness is maintained

and enhanced. The historic fabric, whether designated or not, plays an important part in why people love the places where they live and should be integrated into thinking on achieving good design.

- The new system represents a shift in emphasis from development management to strategic planning and will require a correspondingly different mix of skill sets. In future planning authorities will be required to put greater effort into defining 'areas' and their requirements in their allocation of land (plan making); into complex cases and enforcement. Increased capability around design coding, master planning, managing spatial data and digital skills and community engagement expertise will also be needed to support the new local plan system.
- A more permissive system, within a framework of clear cut 'rules' requires a much stronger enforcement function to check build out against the parameters within legislation, the Local Plan and design codes. The current enforcement function is discretionary, politicised, reactive, under-resourced and the penalties are weak. The reformed planning system will require a consistent pro-active checking system rather than a reactive investigatory approach.
- Centrally set Housing Targets will play an increasing role in local plan-making. Targets should not be set based solely on a centralised market-based algorithm for housing, but must take local circumstances meaningfully into account, including environmental constraints, locational sustainability and the realistic prospects of delivery. Any revisions to the method for calculating targets, whether short or long-term, must either factor in these considerations or allow them to be fully considered and adjusted locally.

The next steps in shaping and developing these proposals will be crucial. In order to fully understand the implications and potential unintended consequences of these reforms, and to ensure that the right safeguards, processes and guidance are in place, there needs to be additional and detailed consultation with the sector.

The National Trust would welcome the creation of a number of working groups within the Ministry of Housing, Communities and Local Government, to cover different thematic areas and allow for the development of deliverable proposals with a range of stakeholders and experts. Given that this is a 'once-in-several-generations' set of changes, it is vital that careful and detailed consideration is prioritised. We therefore believe the Government must publish a draft bill to allow further pre-legislative scrutiny. Reform on this unprecedented scale must not be delivered quickly through secondary legislation and policy updates, without the opportunity for further consultation and Parliamentary scrutiny. We do not believe the process for secondary legislation would provide enough opportunity for analysis and accountability of such a radical shift in the planning system.

Over our long history, the National Trust has seen planning systems change, and worked with the Government to uphold interests of nature, beauty and history. We stand ready to do this again.

Response to Consultation Questions

Pillar One: Planning for Development

Summary of key points

The proposals currently lack detail and nuance, and we are concerned that they might not deliver their stated aims. We are also concerned that to some extent the proposals represent the replacement of one complex system encompassing multiple routes to consent, with an alternative but similarly complex system.

Success in securing high quality and sustainable development will be dependent on the front-loading of understanding about a site and on front-loading public engagement. We have particular concerns about how this will work in relation to important issues like heritage, archaeology and ecology. The system will need excellent data up front in order to make sound land allocations, and this will require new sources of funding, as the current system relies on developer funded site-specific assessments. Even with proper investment, up-front data will not identify every asset such as hidden archaeology or the unexpected discovery of important and endangered species. We therefore seek reassurances that there will be clear mechanisms for considering these assets within the new system.

The conservation of heritage assets, landscapes and nature are key concerns of the National Trust. We therefore welcome the inclusion of Protected Areas where more stringent development controls will continue to apply. It should be noted however that many heritage, landscape and ecological assets do not fit neatly into spatially bounded areas. An approach for dealing with 'everyday' heritage and nature, close to where people live is needed. They add a rich dimension to place and must not be dealt with solely as a 'constraint'. Nor in Protected Areas should they be conceived of as fixed. Investment and enhancement should be encouraged, and we believe that Protected Areas could beneficially be reframed as 'Areas for Protection and Enhancement' in order to promote positive change.

Whilst in broad terms we would agree that there are areas where the process of decision-making could be streamlined, including through a digitally enabled end to end process, we would like to seek assurance regarding some fundamental principles. Streamlining and speed should not lead to poor planning outcomes. Communities and stakeholders need genuine engagement opportunities, and appropriate resource is required to deliver digital improvements to the system with confidence.

The National Trust believes that the handling of strategic cross-boundary issues is one of the current weaknesses in the existing system. The Duty to Cooperate has not generally been a success. Despite this, we would have serious concerns if it were to be removed without an effective replacement. Any new measure should represent a more mature approach and be more than simply a means for tightly constrained authorities to work with their closest neighbours to address housing need. The approach must be capable of working at a larger scale and addressing the wide range of economic, social and environmental issues relevant to planning. We are particularly concerned about ensuring there is an effective mechanism for addressing environmental issues, including blue and green infrastructure, at a cross-border strategic scale, as well as assessing the sustainability of plans and proposals, and for determining appropriate housing targets.

Overall, we do not accept that the planning system is the blocker to housing delivery, so we welcome a focus on build out rates for developments. A stronger emphasis on build out rates must focus on incentivising developers and landowners to implement extant permissions quickly, rather than punitive measures directed against local planning authorities or placing additional burdens on them. Other measures could be explored to improve build out rates, for instance national bodies such as Homes England working with local authorities and developers to understand reasons for stalled sites, and exploring measures to deter land banking.

Additional points not covered by questions

The proposed new system will be reliant on significant levels of accurate up-front data to support effective strategic decision making. Currently however many datasets are incomplete, require updating, or simply do not exist. We believe that Government have significantly underestimated the time and costs associated with putting robust data in place. Moving away from the 'developer pays' principle of site assessment creates a risk as it is not clear how the data capture will be funded.

In terms of data sets to address, the National Trust suggests the following:

- Developing a comprehensive biological data strategy to collect consistent terrestrial, freshwater and marine habitat data for England with more detailed data for protected areas such as SSSIs (which should include all European protected sites), National Parks/AONBs, Marine Protected Areas and for all priority habitats;
- Completing the Ancient Woodland, Ancient Grassland, Priority Habitat and Open Mosaic Habitat Inventories;
- Mapping other critical, irreplaceable habitats such as peatlands;
- Improved spatial mapping of the marine environment;

- Improving the consistency and accuracy of Historic Environment Records by making them statutory;
- Developing archaeology sensitivity mapping and updating landscape character data.

An additional concern is that of up-to-date data. It will only be possible to capture information about a site at a given point in time, but heritage and the natural environment are part of the dynamic, wider context of sites and should not be seen as static entities or simply 'constraints'. New information will come to light after sites have been allocated in the new local plans and there does not appear to be a way to manage this, particularly in growth and renewal areas. Some aspects, such as settings of listed buildings and Scheduled Monuments will be hard to capture except on a site-by-site basis and again are critical considerations.

We also believe that the proposed shift to a more permissive system within a set of clearly defined 'rules' will require an enormous cultural shift in planning practice and decision making and again, the impact of this for LPA's, developers and anyone engaging with the system should not be underestimated.

1. What three words do you associate most with the planning system in England?

Public-interest, future-facing, underfunded

2. Do you get involved with planning decisions in your local area?

Yes

2(a). If no, why not?

Yes, the National Trust engages with planning policies and decisions across England, Wales and Northern Ireland. Furthermore, in the course of our work, we're also responsible for some new development. Whether it's for a new visitors' centre or a new green energy project, we are often an active participant in planning. Very occasionally we also seek to develop 'investment' land to meet an identified housing need. We are a conservation organisation and rely on a well-balanced sustainable planning system to protect our places.

3. 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?

Other

The National Trust is fortunate in having its own Geographical Information System (GIS), supported by a team of spatial data specialists, which is used by our planning team and other specialists. Our engagement with proposals and plans is largely driven by consideration of their direct and indirect impacts on property in our care, including effects on setting, landscape, tranquillity, ecological connectivity, air quality, water quality, flooding and coastal erosion risk. Our response to this question is specific to our needs. We envisage that it would not be typical of many individuals or other organisations.

We would like to find out about proposals and plans through a single live feed of emerging plans and spatially referenced applications linked to standard GIS systems, to generate alerts of applications and plans of potential interest. Ideally, we would like the functionality to be able to tailor alerts based on parameters such as the scale and height of the proposed development and to use asymmetric buffering, for example to take account of landform and designed views, as well as things such as catchments. However, this would depend on the reliability of the data and a rigorous process of quality assurance – one wrong digit can easily move the reported location of an application by tens or hundreds of kilometres. We envisage this level of quality control taking time to achieve. In the interim, we are likely to continue to rely on email notifications of development plans by local planning authorities and a commercial service to alert us to planning applications.

4. 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]

- (i) The environment, biodiversity and action on climate change
- (ii) Protection **and enhancement** of existing heritage buildings or areas
- (iii) Protection **and enhancement** of green spaces

The National Trust has a long history of championing the importance of planning for conserving nature and history, and for creating places that benefit the people living there. Planning is a tool for shaping the environment to meet our collective needs; an effective system should enable appropriate development in the right places, provide communities with necessary services and infrastructure, and enhance and conserve our historic and natural environments for everyone's benefit.

Covid-19 has clearly shown that people want and need access to nature, beauty, heritage and culture where they live, and that many have been hit by poor provision during lockdown. Our planning system needs to be responsive and flexible to help deliver these public goods, and to accommodate and adapt to change and growth.

5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / No / Not sure. Please provide supporting statement.]

No

The National Trust does not object in principle to a shift towards a more rules-based system with a reduced body of planning policy, subject to the retention of an appropriate level of flexibility and discretion in that system. The current system is well established, and whilst complex it is generally well understood and respected internationally. We have special places because of our planning system, not in spite of it. We are pleased to note that primary responsibility for preparation of Local Plans will remain at local authority level.

However, the current proposals lack detail and nuance and we are concerned that they will not actually achieve their stated aims. We are also concerned that to some extent the proposals represent the replacement of one complex system encompassing multiple routes to consent, with an alternative but similarly complex system. It should not be underestimated how much time a new system will take to bed in, and for the cultural change needed to support it to establish.

If the new system is introduced, protected areas must not become the only areas where the value of nature, beauty and history are woven into decision making. All have a major part to play in looking after and creating places where people want to live.

Growth areas

The current planning system allows for land to be allocated (and identified on a map) for development through area-based policies such as 'allocations', larger 'strategic allocations' and 'regeneration areas'. Within the new proposed system these allocations will be replaced by Growth Areas, of which there will be fewer, as they will only include areas 'suitable for substantial development' and will exclude areas of flood risk and other 'important constraints'. However, we believe this contradicts the suggestion at paragraph 2.5 that Local Plans should be focused on 'allocating enough land for development in the right places'.

While we agree that areas at risk of flooding and coastal erosion should not obtain automatic outline consent on adoption of the plan, we think that further consideration needs to be given to the overlap between existing areas of urban development (including areas identified for redevelopment) and areas of flood risk. Many of our towns and cities contain rivers and associated areas of flood risk which are already built up and for which redevelopment may actually present an opportunity for flood betterment, e.g. through de-culverting of rivers and creation of new urban green spaces. If all areas of urban flood risk are placed within Protected Areas with no appreciation of context, then the boundaries of these areas will cut across roads and buildings, and the signal to the market through the Local Plan that land may be suitable for redevelopment will be removed. The proposal suggests that exceptions may be made where flood risk 'can be fully mitigated', but it is unclear how this could be established through a Local Plan without a site-specific flood risk assessment and technical design (see also response to question 9(a)). It may be

preferable that local authorities have the option of including areas of flood risk (fluvial or coastal) on brownfield land within Growth Areas, subject to a site-specific flood risk assessment at Technical details stage, with schemes to incorporate flood betterment and the use of Sustainable Urban Drainage. The meaning of 'significant areas of flood risk' also needs to be more clearly defined in relation to existing flood zones (i.e. 2, 3a, 3b). Areas vulnerable to coastal change also need to be clearly defined through recognition of erosion risk.

A similar issue may apply to other 'important constraints' that would be excluded from Growth Areas. In relation to heritage assets, both above and below ground, this is both a practical and a substantive issue. The practical issue is that many (potentially most) heritage assets and settings cannot be easily mapped and excluded from a Growth Area. For example, a great deal of our archaeology remains below ground and as yet undiscovered; mapping of listed buildings exists as point data (rather than a bounded area) for many older records in the National Heritage List; and the settings of heritage assets are notoriously difficult to define on a map. There is also the issue of non-designated assets, for example most archaeology remains undesignated until discovered and important non-designated local heritage assets are similarly vulnerable. The substantive issue is that in some circumstances heritage assets may be the anchor point for an urban regeneration area (for example, a range of disused Victorian workshops) and a key feature in defining the distinctive character of that area. Heritage and other environmental assets may present opportunities and should not simply be viewed as constraints. It is imperative that there are clear mechanisms for considering these assets within the new system, both at Local Plan stage and Technical Details stage.

Paragraph 2.4 implies that the evidence base for Local Plans will be lessened in the proposed system. On the contrary, the proposed planning reform will require a huge amount of frontloading of research and survey, in particular to inform Growth Area proposals. We address this matter in detail in our response to question 9(a) along with the proposal to grant automatic outline permission in Growth Areas.

Renewal areas

The current planning system includes large tracts of undesignated urban land covered by general development management policies, which may be suitable for densification or infill subject to the National Planning Policy Framework (NPPF) 'presumption in favour of sustainable development'. Within the government's proposals this land will fall within Renewal Areas with a statutory 'presumption in favour of development being granted for the uses specified as being suitable'. The lack of the word 'sustainable' is concerning and the assumption appears to be that the sustainability of a scheme can be determined at Local Plan stage based on selection of appropriate uses and rules relating to height and density. We are concerned about the idea that the sustainability of a detailed proposal will not be assessed, particularly as the reform proposals for Renewal Areas may facilitate the wasteful redevelopment of existing built up areas including non-designated heritage assets (refer to responses to questions 9(b) and 20). It should also be noted that the

reclassification of undesignated land into a potentially large number of discrete Renewal Area sub-areas (see below), with varying rules for development, could give flexibility and granularity to the designations to reflect local circumstance. Clearly the scale of the designations is important, and we welcome the ability for nuance at the local level. However, the amount of additional work for Local Plan teams should not be underestimated.

The current system also designates (and identifies on a map) other land to which area-based policies apply, restricting or guiding applicants towards types and forms of development that are likely to be acceptable. These area-based policy designations might include 'Green Belt', 'Conservation Areas', 'retail frontages', 'city centres', 'industrial areas' etc. Within the proposed system, some of these areas would most likely be re-classified as Protected Areas while others would become Renewal Areas. We note that the proposed system retains the flexibility for site/area specific rules to be applied to sub-areas within each category (para 2.10). This is helpful because the function and character of individual areas may be highly distinct and, as such, it would be helpful if they could also be individually named to reflect their primary character or purpose (e.g. Green Belt, Conservation Area etc.). If not, then a question emerges as to whether the new Local Plan map will offer greater clarity, or less, than the existing system.

If small sites on the edge of villages are to be (in effect) allocated for development by omitting them from the rural Protected Area, then this implies that settlement boundaries along with suitable extensions will need to be defined through the Local Plan process. This will also increase the workload of Local Plan teams. It is unclear how this undeveloped and potentially greenfield land will be classified, or what approach to planning permission will apply, as it does not fulfil the description of a Growth or Renewal Area.

Protected Areas

The conservation of heritage assets, landscapes and nature are key concerns of the National Trust. We therefore welcome the inclusion of Protected Areas where more stringent development controls will continue to be applied. It should be noted however that many heritage, landscape and ecological assets will not fit neatly into spatially bounded areas. We are also concerned that these assets are viewed as 'constraints' and we believe that Protected Areas could beneficially be reframed as 'Areas for Protection and Enhancement' in order to promote positive change.

The types of Protected Area referred to in the White Paper (Green Belt, Conservation Areas etc.) are likely to be included on Local Plan maps within the current system. Along with the categories listed in the White Paper, we suggest that Protected Areas should include Scheduled Monuments, Registered Historic Parks and Gardens, Registered Battlefields, World Heritage Sites, Heritage Coast, Sites of Special Scientific Interest and International Sites (SPA, SAC, Ramsar) and Local Wildlife Sites. As with Growth and Renewal areas, there are questions about the lack of clarity and nuance of a single Protected Area category, relative to the current system.

Furthermore, we welcome the ability for local planning authorities to restrict garden development. A general development management policy may continue to be the best approach to this issue.

We note that areas of open countryside would be brought into Protected Areas whereas currently much of the countryside is undesignated. We welcome protection of the open countryside although it is important that NPPF policies also support development where required for access and recreation and to sustain the rural economy.

As Protected Areas will largely rely on development restrictions defined in the NPPF it will be extremely important that robust NPPF policies are put in place on topics including Green Belt, heritage, nature, flood and coastal erosion risk and landscape. These policies must also be flexible enough to take account of local circumstances.

General

The National Trust supports the proposal that Local Plans should include an interactive web-based map (para 2.9). We provide a more detailed response in question 11.

We also welcome the flexibility to include sub-areas within each category (para 2.10) but as stated above we are concerned about whether the new system will provide more or less clarity than the existing system.

Alternative options

The option of combining Growth and Renewal Areas (para 2.11) and extending permission in principle across both areas is both impractical (refer to our comments on frontloading and resourcing in response to question 9(a)) and undesirable. Such an approach risks promoting the unsustainable redevelopment of existing built-up areas. This is both wasteful of the existing building stock and the natural resources and embedded energy used to build and replace it and would pose a risk to existing non-designated heritage and open space, which make a contribution to the character of urban areas and the quality of life of communities.

The option of limiting permission in principle to Growth Areas (para 2.12), while allowing other areas of land to be identified for different forms of development by the local planning authority, subject to NPPF policies and the existing development management process (as now), would appear to offer a more pragmatic approach to planning reform which addresses many of the issues that we have raised above. This would also reduce the level of disruption to LPAs while they shift towards a more digital and accessible Local Plan, with fewer planning policies.

Other issues and omissions

- The proposals do not state how the planning of minerals and waste development would be undertaken within the new system. For example, if major quarries are to be considered 'substantial development' then to what extent will details of working, restoration and aftercare need to be decided at Local Plan stage?
- What status will National Parks have in the reformed planning system? If, like Areas of Outstanding Natural Beauty (AONBs), they are to be defined as Protected Areas then it should be noted that National Parks are LPAs in their own right, contain both urban and rural areas, and are not (as implied by paragraph 3.22 of the White Paper) identified through the Local Plan process.
- Further clarity is required on how the new system will deal with areas where there is a changing or fluid environmental context. For example, there should be a role for Coastal Change Management Areas within the new system as the mechanism for dealing with areas vulnerable to coastal change.
- Further clarity is required on what role there will be for pre-application discussions within a reformed planning system. The government introduced compulsory pre-application consultation with the local authority, statutory consultees and local residents for onshore wind turbine proposals in England in 2013. Since then, the approach has been extended to other major development proposals in Wales. We suggest that introducing similar engagement requirements for major development proposals in England would contribute to the Government's aspirations for making residents more engaged over what happens in their area. This would be particularly beneficial if it focused on meaningful engagement before designs have been fixed.
- Further clarity is also required on how the proposed system will sit alongside the existing system of heritage consents (including Listed Building Consent). Currently the option of an application for Full Planning and Listed Building Consent offers a neat route to achieving both consents concurrently.
- Further clarity is required on how the proposed system will support delivering Government ambition and commitment to combat climate change.
- Consideration should be given to how the reformed planning system will interact with Marine Plans.
- Further clarity is required on how the proposed system will enable a strategic and effective approach to green infrastructure planning and delivery that requires a holistic approach across a place, with clear incentives to improve quality, connectedness and provision, particularly for communities that are poorly served.

6. 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.]

Not sure.

The National Trust does not object to the idea that most general development management policies should be set nationally. However, this should be premised on those policies being clear and effective, and on any changes to national policies being subject to

public consultation. We also believe that the revised NPPF should contain stronger policies to address the climate emergency and the decline in our nation's wildlife.

A reduction in the duplication between general policies at a national and local level would be welcome. This would make Local Plans, and neighbourhood plans where applicable, shorter and more accessible, while minimising the scope for conflicts or issues of interpretation where national and local policies are similar, but not the same. We do however believe that there will still be a role for some general policies at local level (see response to alternative options).

The idea that development proposals should be digitally screened for conformity with policies and codes is an interesting one, but we believe that in practice it will not be achievable for a majority of policies and proposals due to the significant cultural shift that will be required away from the discretionary system. The real world is highly complex, while the format, detail and accuracy of planning submissions are also highly variable.

The provision of masterplans, design guides and codes at a local, area or site level is potentially welcome, subject to the new system retaining scope for innovation and creativity in architecture and urban design. However, it should be noted that producing these standards will require a great deal of resource and expertise upstream, particularly if the guides and codes are to be 'twin tracked' with Local Plan preparation (please refer to our responses to questions 12 and 17).

Alternative options

The National Trust considers that the new system should retain some scope for general development management policies at local level, where a strong justification exists. For example, a policy to restrict inappropriate garden development; a policy relating to tranquillity or dark skies (for example in a National Park Planning Authority area); or protection of defined views/vistas, which are unlikely to respect the boundaries of Protected Areas (for example in relation to a landmark building or World Heritage Site). Otherwise this rule may need to be repeated for every discrete 'area' within the new Local Plan generating more, rather than less, paperwork.

7(a). 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.]

Not sure

The National Trust agrees that there is clear potential for replacing the existing system for testing Local Plans with something better. We can see merit in the idea of a single test of sustainable development, however we would welcome further discussion with Government this area of planning reform. Key points for us will be the definition and interpretation of

“sustainable development”; the mechanisms for considering environmental and other impacts; and the implications for a plan when it is tested at examination. We also consider that plans should be tested for having been prepared with meaningful public engagement.

We suggest that sustainable development should be clearly defined within the new Planning Act that the White Paper envisages. This will need to encompass a range of social, economic and environmental impacts. We also suggest that the statutory purpose of planning should be to contribute to the achievement of sustainable development as defined.

Environmental assessment of strategic plans should differ from the environmental impact assessment of individual development proposals, in that it provides a high-level comparison of the relative performance of different options, rather than getting into fully detailed assessment of impacts and their mitigation. The White Paper proposes a greater degree of front loading of the planning system with automatic planning permissions granted on at least some of the sites or areas identified in a Local Plan. This means that a proportionately detailed assessment of environmental impacts will be required for each site proposed in the plan, in order to meet UK requirements and international laws and treaties. We would like to explore this further with Government as the proposals are refined.

We would also welcome discussion on the way in which the proposed test of sustainable development would work, including what happens if a Plan fails the test. There needs to be a better way of resolving the situation where a Plan has failed the test than going back to the beginning of the plan-making process, while development management continues to work to an increasingly outdated predecessor plan. Furthermore, the scope for Inspectors to recommend modifications will be crucial: options could include modifying individual proposals, allowing adoption with a shorter plan period or adoption for part of a Plan area. If a Plan cannot be modified to a point at which it could be adopted, there needs to be a process for rectification and resubmission which is shorter than restarting the whole process but which still allows for meaningful public engagement.

Allied to this, we would like to explore what happens when examination shows that a Plan meets the proposed sustainable development test but could be made better. This also relates to the issue of public engagement. The White Paper aims to support residents to be more engaged over what happens in the area. It proposes ‘best in class’ ways of ensuring public involvement in stage 3 of the plan-making process, as well as maintaining a right to be heard at examination (stage 4). As set out in the Government’s consultation principles, “consultations should have a purpose.” Engagement in the plan-making process needs to have a prospect of changing the Plan if the public is to have confidence in the system (please see also responses to questions 9(a) and 12).

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The National Trust believes that the handling of strategic cross-boundary issues is one of the most deficient areas of the existing planning system. Metro mayors and combined authorities have helped to deliver some effective working across boundaries and there are some good examples of voluntary joint working. However, the Duty to Cooperate has not generally been a success. Despite this, we would have serious concerns if it was removed without effective measures to deal with the strategic planning of cross-boundary issues.

The replacement for the Duty to Cooperate must be more than just a way for tightly constrained authorities to work with their immediate neighbours to address their housing needs. It must be capable of working at a larger scale and addressing the wide range of economic, social and environmental issues pertinent to planning and the Government's ambition to leave the environment in a better state than it is currently in. A particular concern for the National Trust is having an effective mechanism for addressing environmental issues, including nature's recovery and green and blue infrastructure at a cross-border strategic scale. We believe that nature's recovery and green infrastructure mapping and associated strategies and plans should be prepared for large geographies such as the county, sub-region or regional levels. In deciding on an appropriate strategic scale, account should be taken of landscape-scale ecosystems such as river catchments and corridors and the functionality of green infrastructure in serving the needs of modern cities and city-regions. We would urge Government to introduce binding 25 Year Green Infrastructure Plans to deliver the urban chapter of the Government's 25 Year Environment Plan.

Furthermore, we anticipate that the upcoming Devolution White Paper will have implications for this issue, and we would like to further explore the Government's proposals for strategic cross-boundary planning as they emerge.

8(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.]

Not sure.

Binding targets for housing requirements would not remove the need to plan at a larger than local level to address other planning issues. In terms of scope, binding targets would be a worse replacement for the already inadequate Duty to Cooperate, so they should not be seen as the entire answer to planning for cross-boundary issues.

Having said this, the National Trust supports the principle that the housing target in an area should be based not just on an assessment of the housing need but also on environmental constraints and other factors. This is a long-standing and near-universal approach within planning systems around the world.

We are very concerned by the lack of transparency about how decisions would be reached about growth in individual areas. The only detail given about the process is that a new housing requirement would be set by updating the NPPF.

The level of growth is one of the most fundamental and contentious questions about future development in an area. One of our key concerns is that there must be adequate processes, resources and structures for public involvement.

The factors outlined in paragraph 2.25 are very general, and we would like to see more detail about which environmental issues are proposed to be taken into account. We also have significant concerns about whether adequate data exists to cover the range of environmental issues that should be considered.

Although brownfield availability and size of settlements are mentioned, nothing is said explicitly about the sustainability of locations. Current local authority boundaries are often drawn so that large towns and cities are separated from their rural surroundings. The National Trust would like to understand if this will be taken into account and if so, how.

Overall, neither environmental factors nor the sustainability of locations for growth can properly be considered without some idea of the form that the growth might take and specific locations in mind. It cannot be done effectively simply by manipulating numeric data or using spatial data in an abstract manner.

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.]

No.

Whilst affordability is one indicator of the housing market, on its own it does not provide an indicator of housing needs that might need to be addressed in an area. The need for housing should be taken into account when determining the quantity of development to be accommodated. Areas of highest housing pressure, such as London and the South East, which have seen significant housing growth in recent years have actually seen affordability worsen. This suggests a different approach is required, rather than simply perpetuating the supply of market housing and allowing expansion of areas exponentially.

A more nuanced approach that examines those registered in housing need, and the blockages that exist to the access and availability of housing could be explored. In addition, specific measures such as incentivising the building of specific forms of housing in particular locations should be considered.

Affordability also varies hugely across the country. In areas where affordability is less problematic it may not be useful to have this as the determining factor for the identification

of housing land, which may be required to support other economic growth objectives or regeneration, for example in areas of former coalfield communities.

In parallel, the National Trust would be concerned with an overly simplistic assessment of existing urban areas to indicate the quantity of development to be accommodated. Whilst this may be helpful in broad geographical terms, as these areas are likely to contain existing services, it pays no regard to the ability of such areas to accommodate and absorb further development. The ability of an area to deliver on sustainable development objectives should be the parameter for determining quantity and location of development, alongside a consideration of constraints.

9(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.]

Not sure

Overall we are concerned that Proposal 5 will result in the replacement of a complex planning system with multiple routes to approval, with a yet more complex system where routes and timescales for approval are differentiated by:

- Growth, Renewal and Protected Areas.
- consistency with nationally set permitted development rights and standards (potentially adjusted by local orders).
- their consistency with the Local Plan or otherwise.

The National Trust does not object in principle to the idea that Local Plan Growth Area allocations should grant outline permission, provided that the collection of evidence and assessment of sites is front-loaded through the Local Plan process and adequately resourced. We are, however, concerned about the proposed faster routes to detailed consent for which there are numerous routes but limited detail. We deal with these matters separately below.

As a general point, we note that the White Paper uses the terms ‘outline permission’ and ‘permission in principle’ interchangeably, with some references to “outline permission for the principle of development.” In addition, the text supporting Proposal 14 suggests that conditions relating to masterplans and design codes would be attached to automatic permission in principle granted in growth areas. Currently, outline planning permission and permission in principle are legally distinct and have different information requirements. A consequence of this is that they provide different levels of certainty to developers. Conditions and obligations can be imposed on outline permissions, but not permissions in principle, and can give a corresponding degree of certainty to local communities and other stakeholders.

The fundamental review of the planning system may, of course, change this. Whatever routes to consent are available in future, it is important that there is a mechanism for

proportionate site-specific survey and assessment, and for requirements such as biodiversity net gain to be attached to the consent.

Outline permission for Growth Areas

The success of this approach in securing high quality, sustainable development which meets the needs of local communities is dependent on front-loading the collection and assessment of information about a site and front-loading public engagement. To illustrate these issues, we primarily use the example of archaeology. Detailed information would also potentially be required for a range of other matters such as built heritage, flood risk, ecology, contamination, traffic and transport.

In order for a Local Plan to grant outline permission for a Growth Area, there needs to be a high level of certainty that the development of that site in the stated manner is acceptable in principle. In order to achieve that certainty in relation to archaeology, research will need to be funded and carried out, or commissioned. We believe that the cost of commissioning this should be borne by site promoters as it currently is, rather than by the local authority, otherwise significant additional funds will need to be made available to local authorities to support these assessments on top of the other necessary we have identified.

This could involve sensitivity mapping of the proposed growth areas to identify the likely presence of archaeology, which would inform the need for further intrusive investigations as part of the Technical Details consent stage. If sensitivity mapping is only carried out at Local Plan stage, with all intrusive investigation deferred to Technical Details stage, then this will entail a number of risks. Firstly, that due to lack of knowledge resulting in an inadequate Historic Environment Record, all or most sites will be considered 'sensitive' and further research will be required for all or most sites at Technical Details stage. Secondly, that the requirements relating to a site will be fixed at the point of adoption of the plan and cannot be changed if further information about archaeological potential emerges. Thirdly, that there may be no mechanism for retracting an outline permission if archaeology of exceptional significance is discovered, or, if there is a mechanism, that this would entail the risk of massive compensation claims to the local authority. Fourthly, and closely related to the third, that very occasionally there will be a loss of highly significant archaeology because its existence had not been anticipated.

In order to achieve a high level of certainty and a low level of risk, local authorities will require significant time and resource to carry out adequate research on the environmental issues of relevance to a particular site. This is particularly the case if technical or intrusive investigations are required, such as geophysical survey and trial trenching for archaeology. The suggested timescales in Proposal 8 are therefore likely to be unachievable for authorities that are allocating Growth Areas.

If outline planning permission is to be conferred by the Local Plan, then the usual opportunity for communities and stakeholders to comment and engage on in principle planning matters should not be lost. However, as the proposed plan preparation process in

Proposal 8 includes no meaningful consultation on draft proposals for Growth Areas, or the plan as a whole, until the point at which the plan is submitted, we are concerned that the voice of the community will not be adequately heard. Please refer to our response to Question 12.

Faster routes to detailed consent

Proposal 8 encompasses several routes to detailed consent that are similar to the current system. These are a reformed Reserved Matters process, Local Development Orders, and Development Consent Orders. All of these are mechanisms which already exist in some form and it is unclear how their use would achieve detailed consent faster. In order to achieve high quality, sustainable development, the consideration of technical details by Planning Officers will require a reasonable amount of time that is proportionate to the size and complexity of the scheme. A mechanism and time for public and stakeholder engagement will also be required, but paragraph 2.36 of the White Paper provides no detail on this.

We welcome the clarification at paragraph 2.34 that there will still be a route to planning permission for developments that do not fully conform with a Growth Area allocation. This will help to ensure that creativity is not stifled and that developers can respond to changing circumstances.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Not sure

Renewal Areas

As Growth Areas are only for 'substantial development', Renewal Areas are likely to contain a large proportion of all new development. As we set out in our response to question 5, the new statutory presumption in favour of development appears to be premised on the idea that the sustainability of a site for particular uses and development types can largely be determined through the Local Plan. As with Growth Areas, this implies a high degree of front-loading of site and environmental assessment (including for example archaeology sensitivity mapping). This in turn has considerable implications for Local Plan preparation in terms of cost, resourcing and timescale.

We have significant concerns about the proposal that pre-specified forms of development should gain consent through nationally set permitted development rights. These are addressed in our response to question 20 (Pillar 2, Proposal 14 – fast-track for beauty proposals). Our key concerns are that permitted development rights of this sort could promote unnecessary redevelopment, which is wasteful of material resources and embedded energy, while also not being responsive enough to local circumstances.

For other types of development that accord with the Local Plan description, we accept that in some cases a faster decision may be possible, e.g. for simple, small-scale proposals, although this should not be at the expense of public consultation. However, for larger or more complex applications a shorter decision-making timescale may in practice result in extensions of time being required for decisions. This is particularly the case where surveys are required – for example in relation to archaeology or protected species – for which adequate time must be allowed for Planning Officers to assess the submitted information in consultation with key consultees such as Historic England and Natural England.

The third route to consent would be a Local or Neighbourhood Development Order, which again would require significant front-loading of resource if these are to become anything more than the little used planning tool they are at the moment.

Protected Areas

We are pleased to note that within Protected Areas the current approach to planning permission will be retained. Further information should be provided on how this and other consenting arrangements will dovetail with the listed building consenting process. However, the White Paper goes on to state that this will not be the case ‘where they are subject to permitted development rights or development orders’. Clarification is required that this *does not* relate to the new permitted development rights to be introduced in Renewal Areas by Proposals 5 and Pillar 2 Proposal 14 (fast-track to beauty). It should be noted that at the present time Article 2(3) land, for example Conservation Areas, National Parks, AONBs, World Heritage Sites and listed building curtilages and other ‘environmentally sensitive areas’ are excluded from many permitted development rights. SSSIs are also excluded from some and there is a process to be gone through in relation to consideration of impacts before permitted development rights can be exercised in or near SPAs or SACs.

We are however concerned, as set out in our response to question 5, that Protected Areas as currently proposed represent a blunt instrument that does not adequately differentiate between different types of asset or ‘constraint’. Urban areas of fluvial or coastal flood or coastal erosion risk are a particular anomaly as these may occur within existing built up areas, areas suitable for redevelopment, conservation areas etc. We would suggest that flood and coastal erosion risk within developed or brownfield urban areas is something that ought to be assessed and addressed, rather than ‘protected’.

Other issues

Paragraph 2.37 suggests that existing routes to permission will be consolidated and lists enterprise zones (for which Local Development Orders were promoted but are not unique) and brownfield land registers (which provide a route to permissions in principle). Further information is needed in order to comment on any proposed consolidation.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Not sure.

There is not enough detail included in the current iteration of the White Paper for us to reach a view on this question.

While we are not opposed to this as a matter of principle and we acknowledge there are some circumstances where very large strategic housing settlements would be of national significance. In these cases, it is possible that the associated CPO powers and related consents that a DCO provides could address some of the barriers to decision making, land assembly and delivery on large sites. However, there are some areas that need further thought and clarification:

- The size of development at which the NSIP regime is triggered will be key – we believe this threshold should not be lower than new settlements that would deliver 5,000 houses.
- Biodiversity net gain does not currently apply to the NSIP regime and this should be amended to include new settlements so that key opportunities are not lost, and the intention of Biodiversity net gain remains intact and is not undermined.
- There should be a review of consultation requirements to ensure developers demonstrate genuine and meaningful engagement rather than legally compliant consultation which does not respond to stakeholder concerns. The latter has sometimes been our experience when engaging with NSIP proposals.
- We would be interested to see solutions around reconciling nationally significant housing needs against the loss of local decision making and democracy which are likely to be challenges if this proposal is progressed.
- The level of detail/masterplanning and design coding that is needed both to enable an application to be robustly considered and to ensure that it delivers the White Paper's aspirations for beautiful and sustainable places.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

Whilst in broad terms we would agree there are a number of cases where the process could be made more streamlined including with a digitally enabled end to end process, it is dependent on securing assurances around some fundamental principles. In making things streamlined and faster it should not lead to poor planning outcomes, it should not disenfranchise communities and there need to be sufficient resources provided to enable the digital improvements for the system to be delivered confidently. Currently we do not see any assurances in these proposals that this will be the case.

We do not agree with re-imposing firm deadlines for applications. This failed in recent years as LPAs who were striving to meet 8 /13 week timeframes rushed to the determination of applications, leading to automatic refusals or pressure on applicants to withdraw and make a resubmission.

There are many cases where negotiation and discussion between parties can benefit the outcome of a development and setting firm deadlines for determination prevents the ability to do so. We strongly believe that this is not the way to streamline the process, and that punitive measures (e.g. automatic approvals) impact directly on the quality of developments allowed and on the local communities, and do not impact the LPAs themselves. We believe there still needs to be the ability for an applicant to extend the time limit by agreement.

We acknowledge that the current planning application process has become document heavy and lacks an emphasis on quality and is inconsistent. We welcome the prospect of improving the user-experience for those applying for consent. Arguments over documents required to validate a submission can still be prolonged, so greater digitisation of the system would be supported and standardising requirements for smaller applications would be a pragmatic solution.

Work could be undertaken to explore good practice of some local authorities who currently adopt specific measures to speed up the process, for example biodiversity checklists, Coastal Change Management Areas and for flood risk assessments. The latter is particularly useful for smaller schemes and for changes of use of existing buildings.

However, we believe that the standardisation of information for larger schemes is significantly more complex, particularly when there may be a range of assessments required. For example, Heritage Impact Assessments must be 'proportionate' to the asset's importance and this will vary greatly in each case. Where there are multiple assets and their settings which need to be considered, standardisation simply would not be possible. There is added complexity associated with development in World Heritage Sites where impacts on Outstanding Universal Value is to be assessed.

For these reasons, the suggestion that planning statements will be limited to 50 pages lacks understanding of the range of issues a good quality planning statement may need to assess and consider. For simple schemes with few impacts, a 1-2 page statement may be sufficient, whereas for proposals with significant and complex impacts, and benefits, a longer statement is likely to be required. While we agree that unduly lengthy statements should be discouraged, we believe that the emphasis should be on proportionality and pragmatism. We would welcome additional powers being given to LPAs to allow them to reject poor quality information and insist on additional information where appropriate.

We support the greater use of data sets to underpin the planning system and the principle of making these accessible, but it is not clear who will be responsible for producing them. We would support sensitivity mapping and advanced investigations for archaeology being

undertaken where required, as well as standardisation, for example in mobilising wildlife survey data with the National Biodiversity Network.

In respect of the scope for some types of application to have been deemed to be granted if there is no determination, we believe that research would be useful to understand if the introduction of deemed discharge for planning conditions has speeded up the commencement of development on site. Potentially, this could be widened to provide a curtailed period more generally for all discharge of condition applications, it should rarely be necessary to have an 8-week period for such applications. However, statutory consultees must be sufficiently resourced to be enabled to respond to consultations in a timely way.

The route to apply for Non-Material Amendments to undertake changes to schemes has provided a swift route for applicants to review permissions, and on a shorter timeframe than a revised application. We believe this reduced time frame could also be considered for applications under the Minor Material Amendments process.

However, it is difficult to foresee how a consent could be deemed to be granted for proposals involving other forms of applications. In the new Growth Areas outline permission will have been granted, but it will still be necessary for the LPA to consider technical details which will include highways access, amongst other matters. We cannot foresee a way in which matters such as highway safety could be deemed determined and development allowed to proceed.

In Renewal or Protected areas where applications will continue to come forward as they do now, deemed consent would potentially put at risk compliance with environmental regulations and other safety risks. For example, where ground conditions have not been fully assessed, noise impacts, flood risk or mitigation allowed for.

We do not consider it would be desirable nor legally compliant with the provisions of the Listed Buildings Act, to allow deemed consent for applications involving Listed Building Consent.

With the welcome emphasis on design in the Planning White Paper there will be skills gaps in local authorities in design, placemaking, masterplanning and heritage, which will need to be filled. This could mean that planners and planning committees will need training in these skills, as well as in managing digital spatial data.

In broad terms, subject to further detail being provided we support a more streamlined approach to developer contributions as discussed in Pillar 3.

The White Paper is vague about how more use of delegated planning decisions for matters of planning judgement will address the role of planning committee. It should not be overlooked that committee meetings provide a valuable forum for communities to access

the planning process, and often there is a benefit in proposals being given an airing by local councillors.

However, evidence is needed around how frequently committees overturn the recommendations of their planning officers, in both deciding to approve or refuse against recommendation, the proportion of these which then end up at appeal and the level at which they are being overturned. If at a general level over 30% of appeals are being overturned, the causes of this will need to be understood and better training of those involved in decision taking should be investigated.

Other issues and suggestions

- There would be benefits to the standardisation of online public access systems, with consistent standards on what information is made public. Numerous local planning authorities still do not publish third party responses to applications, or statutory consultee responses, dates for comments on submissions, or details of Case Officer.
- Any shortening of timescales allowed for in responses to planning applications should be conditional on sufficient funding and resourcing of statutory consultees such as Historic England and Natural England. However, there may still be scope to do so particularly where there is re-consultation involved in a proposal, as this is where we have found there are often significant delays.
- Planning decisions on major schemes could potentially be made faster and more efficient by exploring the adoption of good practice for the processing of how major applications are assessed. For example, where the local planning authority allows opportunities for the early presentation of proposals to committees at pre-application stage. This allows questions to be raised and supports a more informed decision to be made when the application is submitted, the members are aware of the applicant's ambitions and are properly able to weigh up the acceptability or otherwise of a proposal. It also provides the applicant with the opportunity to adapt proposals to reflect particular local concerns around issues such as design. Some authorities also involve local neighbourhood forums at pre-application stage. Unfortunately, in recent years due to lack of resources, some local authorities have dropped these measures.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Yes.

We support the Government's broad aspirations of a 'digital first' approach to modernising the planning process and welcome the recognition that this will need to support both plan making and case management and decision making. However, there also needs to be recognition that people might struggle to visualise what the proposals mean in reality. We believe every effort should be taken to make this a success, and the use of 3D technology

could help people to fully engage with the masterplans and design codes that support the strategic allocations in Local Plans.

We support the proposals for standardising the format of Local Plans and having interactive maps, and we share the view that if delivered well this has the potential to make the process more consistent and easier to engage with. Provided the templates are supplied centrally, are easy to use, and there is sufficient training provided, it will mean that smaller authorities who are less well-resourced to prepare accessible, digital map-based plans could see benefits in efficiencies. We believe that all local authorities could benefit from a reduced burden in document preparation if an easy to use standardised system was rolled out. Similarly, those engaging with the planning process could benefit from reviewing simpler and standardised documents.

We believe that the key areas which need to be clarified to make any nationally rolled out digital system a success are:

Who controls and funds the technology?

It is our view that this should be a centrally developed and funded system to ensure that it can be adequately tested before being piloted and then rolled out consistently to all LPAs. It will not be possible for LPAs to develop and test the technology independently. However close working with a test group of LPAs of differing sizes and with different local contexts will be needed, to make sure the systems are agile and flexible enough to meet the needs of all LPAs regardless of size, resource and local circumstance.

There should be an ongoing commitment from Government to adequately fund the new platform. This should include consideration of costs of acquiring any new data needed, including any additional resources needed and training. Development and robust testing should be given sufficient time before rolling out to minimise risks.

Data capture, availability and consistency

Some data, such as statutory designations that are decided nationally, are generally available digitally. Areas that are locally designated, even if they are a national designation (e.g. Green Belt, Conservation Areas and Tree Preservation Orders) are not currently consistently and freely available in a digital format. Government should ensure that data presented in the public realm is freely accessible through digital standards that are compliant and accessible with the National Biodiversity Network and other freely accessible digital platforms. There needs to be a way of capturing local data and information, e.g. local listings, and ecological data that might be held at a more granular scale. Robust quality assurance mechanisms will be needed, and this will require resources.

While having better data available would be a clear benefit, it will take time build the evidence base to support decision making. Establishing clear and robust data standards would expedite this.

Timeliness of data and updates

There needs to be clear requirements around the timeliness of the data and a sound mechanism/protocol for updating it. Consideration should be given to whether a 'live feed' set up for certain types of data could be introduced to reduce issues with decisions being made on out-of-date data. There also needs to be a way of recalling data at any fixed point in time, e.g. for appeals or reviewing other historical decisions.

Digital Exclusion

While the overarching aspirations are welcome, Government needs to be really clear about what constitutes engagement in Local Plan preparation. A move to digital platforms might exclude specific groups and while we acknowledge that digital access continues to increase, there are still significant variations in confidence to safely use digital formats. The Office for National Statistics (ONS) 2019 research highlights that digital exclusion continues to be a challenge, with some 5.3 million adults (around 10% of the adult UK population) either without access to the internet or having not used it within the last 3 months¹⁰. To combat this, there should be an explicit commitment to retain non-digital ways to engage with and view Local Plans and development management information, and we would welcome continued innovation in this area.

To ensure that Local Plans do genuinely reach local communities and foster active engagement, a statement of the profile of people and groups the consultation has reached in replacement for one of the 'tests' of soundness could be considered.

Protecting Data Use

We are concerned that there could be issues with digital data acquisition for wrongful purposes, for example egg collecting, badger baiting, treasure hunting/night hawking. While we accept that those engaged in these activities might be able to access information in other ways, we feel there is the need to try and maintain some integrity to the use of data to minimise the risk of wildlife and heritage crime.

One way to address this could be to require authentication of user for accessing some data at a detailed level, e.g. below 1km square resolution.

Automated Decision Making

¹⁰<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/articles/exploringtheuksdigitaldivide/2019-03-04>

While this question relates specifically to local plan-making, the White Paper also alludes to automation of development management processes (e.g. Para 1.17 bullet point 4). We would be interested to understand the Government's thinking around this. We believe that accurate data, robust systems and processes and sufficient checks and balances would be needed to make any such system effective. We also believe that there are significant risks to automating decisions and if this is to be progressed, it should only apply to basic fact checking scenarios and should not be rolled out to decision making more broadly. The focus should be on the quality of decisions and not just on speed.

12. 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.]

No.

The National Trust does not object in principle to the idea of introducing a timescale for key stages of Local Plan preparation, and for seeking a shorter overall timescale. However, we think that the 30-month timescale proposed by the White Paper is too short – particularly for the initial transition to a new system – and that the timescales should take the form of firm guidance rather than a rigid statutory requirement. If plans are forced through to adoption within a 30-month timeframe then this poses a major risk to sustainable development. Both by permitting schemes whose environmental impacts have not been properly tested, and by significantly reducing opportunities for the public and stakeholders to provide input into strategic development proposals.

Within the 30-month timeframe proposed, the bulk of work on collating sites - screening these against known environmental assets and constraints, commissioning and carrying out detailed site assessments (archaeology, built heritage, ecology, flooding and coastal erosion, contamination, traffic and transport etc.), reviewing the findings of this work, selecting, mapping and drafting rules for individual areas, and preparing documentation for submission and consultation - is limited to 12 months. The timescale for environmental assessments alone is likely to render this timescale unviable, particularly if there are multiple Growth Areas and if intrusive archaeological investigations are required to reduce the risks associated with granting outline permission (please refer to response to question 9(a)). In addition, Renewal Areas will need to be defined, where previously much of this land was undesignated.

If we add to this the desirability of preparing masterplans, design guides and codes for sites that have been chosen as Growth Areas (Proposal 2 states that design guides and codes would ideally be twin tracked with the Local Plan), then the proposed timescale becomes even more unachievable.

The proposed timescale also strips out any opportunity for the public and stakeholders to comment on draft areas and proposals. In practice, the 'call for suggestions' is likely to be developer led, with all other interested parties having to wait until submission of the plan

before providing input. This presents two significant problems. Firstly, that development proposals which have not involved the community will not adequately reflect the community's needs and desire. And secondly, that major issues and impacts are likely to be raised at submission and examination stage, preventing the Local Plan from moving effectively towards adoption. In addition, as the new system would be rolled out across all local authorities, this would have a major impact on the workloads of statutory consultees such as Natural England and Historic England, and on specialist stakeholders including the National Trust.

Finally, the timescale does not allow any time for arrangements to be made for joint strategic planning in areas where this is required.

Alternatives

The National Trust would be very concerned about removal of the 'right to be heard' at examination (para 2.53), within a proposed system that already cuts opportunities for public and stakeholder engagement back to a bare minimum. We do however think that the proposal that less complex or controversial plans could be examined by written representations may have some merit.

We would be entirely against the suggestion that local planning authorities could undertake a self-assessment of their own plans (para 2.54), represents a loss of independent scrutiny that is highly problematic.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

We agree that Neighbourhood Plans should be retained as they have enabled communities to get involved in the things that matter to them in their area. However, it is clear from the statistics that since 2011 only 38% have passed through referendum. There should be some analysis undertaken to assess why a large number have started and production has stalled, and what can be done to facilitate the process to inform whether the system should be refined going forward. Anecdotally, we believe the failure to progress can relate to lack of resources and also in some cases commitment to the process which falls away when communities feel they lose their 'voice' as a Local Plan is then progressed.

Monitoring could usefully be undertaken of those plans that have been brought in, to understand what impacts they may have had in shaping places, and in whether they have assisted housing delivery or other planning objectives. We are aware of some that have deliberately steered away from identifying sites for housing through lack of reaching agreement in forum discussions and are not acting therefore as a tool for housing delivery.

We are concerned that the communities that have the most to gain from neighbourhood planning are those least able to engage with the planning system, and are least able to access available support (e.g. Neighbourhood Forums). This exacerbates inequalities and is at odds with the Government's levelling up ambition.

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?

We support the idea that communities could make better use of digital tools and data to prepare neighbourhood plans. However, greater financial support and training of Neighbourhood Forums may be required to enable this.

Local planning authorities will be required to produce design codes alongside the Local Plan and it will be important to ensure that the relationship between Local Plans, Neighbourhood Plans, and design codes is clearly defined. Communities may have aspirations to input into design principles for their area, and at a local level they could potentially have an important role to play in informing the production of design codes. For example, Neighbourhood Forums could be involved in producing the design code for their area. However, it is difficult to see how design codes might work at street level with multiple documents being produced. This risks over complicating the system rather than simplifying matters.

Currently, we understand the regulations allow for only one neighbourhood plan in a geographical area. This doesn't fit with the aspiration for design guides and codes to be drawn up at different levels down to the individual site or street, if they are to be considered as neighbourhood plans. There may be potential for design guidance and coding at different scales, e.g. one for a whole AONB and nested within that design guides for individual villages.

14. 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.

We welcome a focus on build out rates for developments and acknowledge there is a significant problem with unimplemented and lapsed permissions that must be tackled. The latest figures around unimplemented planning permissions from the LGA are revealing¹¹. These figures show that 2,564,600 units have been granted planning permission by councils since 2009/10 while only 1,530,680 have been completed. The number of planning permissions granted for new homes has almost doubled since 2012/13 with councils approving 9 in 10 applications. While in some cases there will be a time lag

¹¹ <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

between permission being granted and homes being built, new build completions have only increased by half as much in that time.

We therefore do not accept that the planning system is the blocker to housing delivery, any stronger emphasis on build out rates must focus on incentivising developers and landowners to implement extant permissions quickly, rather than punitive measures against LPAs or further burdens on them to instigate measures against developers. The current completion notice system is not widely used and as it has the effect of withdrawing planning permission for the unfinished part of the development if it is not completed in time, it does not in itself deliver developments.

We suggest that some possible measures for further exploration should include:

- National bodies such as Homes England to work with local authorities and developers to understand the reasons for stalled sites (e.g. changes in viability), in order to find solutions.
- A form of binding phasing plan be may appropriate for larger sites, perhaps with a reframing of the implementation of planning permissions requiring completion rather than commencement only.
- Allowing build out by different developers – but only where led by a consistent design code.
- Exploring measures to deter land banking – these may fall outside of the planning legislation (e.g. taxation) and will need a joined-up approach. It will be fundamental to improving build out rates to consider these fiscal measures collectively with any changes to the planning system itself. We believe it is these that will be most impactful in delivering the homes needed.

Pillar Two: Planning for beautiful and sustainable places

Summary of key points

We support the Government's ambition and commitment to driving up design standards and improving places where people live, and believe that design guidance could play an important role in this. However, the proposals as currently framed are lacking in the necessary clarity and detail to make design coding a success. We understand local authorities will largely be responsible for producing the local design frameworks, with some responsibility potentially falling to site promoters and neighbourhood bodies. Currently many local authorities do not have the architecture and urban design skills or resources to do this well, so additional long-term funding, as well as resourcing the work whilst skills gaps are filled, is imperative. Furthermore, reforms to the system should deliver green spaces in places where people live, with clear standards and design guides for how these should be implemented to ensure they are of a high quality.

Reforms to the planning system must work in parallel with revisions to environmental regulations, to strengthen protections for the environment. We fully support the intention to

revise the NPPF, if it is to reflect the need for the planning system to play a proactive role in promoting environmental recovery and long-term sustainability. However, success will depend upon the robustness of the amendments and how these are interpreted at a local level. Its legal underpinning will be important, and the 25 year Environment Plan and use of UKCP18 as the reference point for climate projections should be made clear.

The National Trust acknowledges that there is a real opportunity to create a new and effective body to support design coding and building better places. It should champion design, work with local Design Review, and drive up standards and best practice. To make the new body successful and effective, it is essential to get the constitution and functionality of the organisation right. It must be independently constituted and encompass a wide range of professional expertise, from landscape architects, to nature and climate change adaptation experts.

We welcome the recognition that planning, design and placemaking needs representation at senior level within local authorities. We support the idea of a Chief Officer for Design and Placemaking, but believe it is important to add heritage to the remit of their role.

Whilst we support the aspiration to creating beautiful places, this must not be at the expense of well designed, accessible and sustainable builds and places. Aesthetics and style are important, but people's emotional response to place is built on other factors, including how easy a place is to navigate and use and how safe and comfortable they feel, as well as how it looks.

However, we do have concerns around widening permitted development rights for 'popular and replicable' forms of development that will enable 'gentle densification' or 'redevelopment of existing residential buildings' in Renewal Areas. These could result in areas of poor quality, that do not respect local context, nor safeguard heritage and nature.

Any proposals to stimulate construction in Growth and Renewal Areas should not promote the wasteful redevelopment of existing buildings that are still fit for purpose. We have significant concerns about the proposal that pre-specified forms of development should gain consent through nationally set permitted development rights. This could promote unnecessary redevelopment which is wasteful of material resources and embedded energy, while also not being responsive enough to local circumstances.

Additional points not covered by the questions

There are a number of proposals and ideas contained within Pillar 2 of the White Paper about which there are no specific questions. However, the National Trust would still like to respond and feedback on these important aspects of the reforms, so our thoughts are below.

We endorse the broad ambition of the White Paper to enable the creation of beautiful places that will stand the test of time, and a system that protects and enhances our

precious environment. We also support efforts to combat climate change and bring greenhouse gas emissions, although we believe that the UK Government should set a legally binding target to achieve net zero greenhouse gas emissions by 2045, not 2050. However, in order to do so we would need to be satisfied that there will be more detailed consideration on many aspects of Pillar 2 proposals and how they might come forward to deliver on these important ambitions.

We agree that fostering high quality development that includes not just beautiful buildings, but the gardens, parks and other green spaces we need is crucially important. However, further detail is needed on how vital local green spaces can be delivered, and how the function of existing areas can be enhanced through the new system. For example, there could be a stronger focus and clear mechanism for planning obligations to fund and deliver green infrastructure.

We find it particularly strange that there are no specific questions raised in respect of proposals 15, 16 & 17 within the paper and therefore offer the following observations here.

We fully support the intention to revise the NPPF, if it is to reflect the need for the planning system to play a proactive role in promoting environmental recovery and long-term sustainability. However, success will depend upon the robustness of the amendments and how these are interpreted at a local level. Its legal underpinning will be important, and the 25 year Environment Plan and use of UKCP18 as the reference point for climate projections in relation to mitigation and adaptation should be made clear. It is difficult to know what the future will bring and an adaptive approach to prepare for different possible futures may need to be accommodated. It will need to set out the interface between changing environmental regulations.

Revisions should include the Lawton Principles, with provision for making space for nature with better protection and management of designated wildlife sites.

Setting expectations for tree lined streets is welcome, however, this should also include ambitions to create and enhance green spaces. Consultation should take place on how a national green infrastructure standard framework can be created.

We support that Proposal 15 seeks to 'strengthen' the way that environmental issues are considered and similarly making them 'simpler'. An evidence based and plan led approach will be critical in managing climate change adaptation and maximising environmental benefits.

Furthermore, we agree that local spatially specific policies have an important role to play in identifying important views. This is a component which we consider could be significantly strengthened in the new local plan process.

Providing opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated is supported, but opportunities to protect and enhance existing habitats more generally must not be overlooked.

For Proposal 16, we agree there could be some rationalisation of SEA/SA/EIA, however, they remain important processes and should be retained in some form. We are pleased to note the intention to 'strengthen protections' of existing environmental features. However the aim should be to support more nature, so that we achieve environmental benefits, not just mitigate impacts. Paragraph 3.28 rightly suggests that environmental aspects of a plan or project should be considered 'early in the process', yet previously suggesting doing this at the end of the process, e.g. Permission in principle.

It is difficult to comment more fully until we know how the new system relating to environmental impacts will be framed in legislation, and this cannot be meaningfully assessed based on the information in the White Paper.

We generally support the narrative around proposal 17 and welcome the review to the planning framework for listed buildings. We would welcome the opportunity to be involved in discussing this further with government.

The National Trust is interested in exploring the suggestion of delegating autonomy to architectural specialists for listed building consents, and there may be opportunities for organisations in the heritage sector to secure accreditation. Further information is needed on the accreditation scheme itself. Clarity is needed on the audit process and method for remedying any inappropriate work, as well as what works would fall outside of the requirements for listed building consent.

We agree that historic buildings should make reasonable adaptations to take account of climate change and the modern world but retrofitting schemes must not be at the expense of the significance of these buildings. Furthermore, they should be based on low carbon heating technologies, as well as energy efficiency, as efficiency measures alone will not drive emissions down far enough. Assessing the appropriateness of such adaptations requires considerable expertise, which the government will need to support at local authority level.

The current Listed Building legislation and practise is good at conserving the external appearance of listed buildings but is less effective in conserving internal integrity and significance, primarily because there is not the resource to check or enforce works. Design and special places, including historic buildings, are inextricably linked, so we recommend thought is given to making the Chief Officer at LPAs responsible for Design & Place, responsible for Heritage too.

15. 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]

Other

New development across the UK varies considerably in its design, sustainability and quality. There are celebrated ground-breaking sustainable and environmentally friendly design, and sensitive developments that work well in valued and historic settings. However, a large proportion of new development, particularly housing development is bland generic and poor quality, which misses the opportunity to build communities and connect with local places

Significant factors contributing to the highly variable outcomes seem to be the skills and incentives of both developers and LPAs. The National Trust notes that the Government's Independent Review of Build Out conducted by Sir Oliver Letwin concluded the Government should introduce a new set of planning rules requiring those developing such sites to provide a diversity of offerings. We would like to understand what progress has been taken in implementing the proposals of the review.

16. 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]

Other

The National Trust believes that all the elements listed in this question are vital in bringing about genuine sustainability across the country. We believe sustainability encompasses accessible amenities with active transport routes, more green and open spaces, sustainable drainage, low carbon building methods and technologies (e.g. heating) not just energy efficient buildings, as well as more trees and opportunities for nature to thrive. The planning system should be a vehicle for tackling climate change and responding to its consequences, such as extreme weather events, flood and coastal erosion, whilst also contributing to quality of life for people and nature.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

Yes.

We wholeheartedly support the Government's ambition and commitment to driving up design standards and improving places where people live and believe that design guidance could play an important role in this. For clarity, we would like to see a framework developed at both national and local level which includes integrated elements such as design guides (including a review of the Manual for Streets), master planning, design codes, clear standards for energy efficiency and low carbon heating, access to greenspace, and mechanisms for Design Review (such as local panels) with nationwide

coverage. One of the key challenges will be ensuring design codes are robust enough, so that development in a large area still feels cohesive even when delivered by different developers.

We feel strongly that *the way a place works* and the *benefits* it provides for the people that live there, are equally as important as the way it looks or the style in which it is built. While welcoming the introduction of national space standards for houses developed under Permitted Development rights, we are though hesitant around the idea of a rigid national design code and would like to discuss how a 'model' design code would work in practice.

Historic buildings and fabric are an integral part of place and why people connect to place. They should therefore be integrated into design thinking and the resources for delivering well designed places.

We are pleased to see that a review of the Manual for Streets is proposed, as current standards required by local authorities before they will adopt roads are a major reason why many housing schemes do not create great places in which to live. We also believe that design coding should safeguard minimum standards and make it clearer for developers what they will be expected to deliver on matters such as garden sizes, space around buildings and rights to light etc.

However, the proposals as currently framed are lacking in clarity and detail and to make design coding a success further thinking is needed around the following:

- There needs to be clear agreement on what elements of good design are best prescribed in national standards and what elements are better left to local design guidance and master-planning.
- Standards on space, light, energy efficiency, access to open space and other amenities such as schools, healthcare and public transport could be considered nationally. i.e. those elements which help deliver the government's strategic ambition for the health and welfare of its people.
- Context, connectivity, local heritage, grain, pattern and materials etc, all the elements that build on local distinctiveness and variety, are better considered locally as part of neighbourhood based masterplanning and design codes.
- Masterplanning, design codes and guides need to include green infrastructure, from greener streets and neighbourhoods, to enhancing existing green spaces as well as creating new ones large and small, and the essential green connectivity that enables a whole place to function well.
- Whilst we welcome exemplar case studies and examples of best practise, we have concerns about replica developments which, without the other improvements to the planning system mooted in the White Paper, may lead to derivative, poor quality development repeated across the country with no local distinctiveness.
- The process for producing the local design framework (masterplans, design codes & design guidance) in the planning process is critical and all elements must be explicit in the new system. Making it clear *who* is to produce these, *how* they are

produced i.e. using neighbourhood planning techniques and *when* they must be ready.

- We have concerns that the ‘twin tracking’ of production of design frameworks with the Local Plan, while desirable, would be wholly unachievable within the 30-month timescale allowed for Local Plan preparation (please see our response to question 12).
- We understand local authorities will largely be responsible for producing the local design frameworks, with some responsibility potentially falling to site promoters and neighbourhood bodies. Currently many local authorities do not have the architecture and urban design skills to do this well, so additional long-term funding, as well as resourcing, to support the shift from development management to urbanism is imperative.
- We suggest that a network of Design Review panels is extended nationwide to consider and support the development of design frameworks at local level. Local opinion, technical expertise and local democracy are all required to act together to achieve good results. We believe this approach would support the iterative nature of securing good design.

18. 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.

We strongly support the establishment of a new body to promote and support a holistic approach to designing and building better places to live. There is a real opportunity to create a new and effective body which champions the value of good design, acts as a national focus for design initiatives and drives up standards and best practice.

To make the new body successful and effective it is essential to get the constitution and functionality of the organisation right. We believe the following are critical considerations and functions that merit further exploration:

- We favour an arms-length body, widely constituted including experts in built and landscape design, heritage, nature, health and wellbeing, access/inclusion, energy efficiency and climate change adaptation in appropriate proportions.
- The national body should be augmented by a network, regional and locally based Design Review Bodies which should combine technical professionals, with local representation.
- The design body should be accountable for the overall success of the design framework.
- It should promote exemplar case studies and best practise.
- It should support design professionals and education institutions offering built environment and landscape design courses.

We welcome the recognition that planning, design and placemaking needs representation at senior level in all local authorities. We are supportive of the principle of a 'Chief Officer' for Design and Placemaking but the role and duties of this role need to be more explicit.

- We suggest heritage is added to the remit of this role for the reasons given above.
- Where resources are scarce, the appointment of a Chief Officer should not be at the expense of the frontline staff resource and skills needed in LPAs to deliver local design frameworks including masterplans.
- We believe the accountability for this role should be at local authority level, although this isn't clear from the detail currently in the White Paper.
- How is the role linked to the proposed new national body and locally constituted Design Review Panels? There is a risk that small authorities may, for reasons of cost combine these responsibilities with others, thereby reducing the desired impact on place.
- There could be a risk of inconsistency in the role between large and small authorities.

We suggest there is a parallel political accountability and responsibility needed for planning, placemaking and design and would welcome a 'tandem' position of a Member design champion for all Local Planning Authorities.

20. Do you agree with our proposals for implementing a fast-track for beauty?

No.

We support the Government's aspiration for creating beautiful places. However, we are concerned to avoid the over promotion of aesthetics and style at the expense of the other elements of good design (e.g. accessible and sustainable buildings and places). Peoples strong emotional response to place is made up of a complex series of interactions that include: how easy a place is to navigate and use, how safe and comfortable they feel, what they recognise, as well as the sensory stimulation of how it looks.

We also support the proposal that automatic consent for Growth Areas should be conditional upon a masterplan and site-specific design code being in place (para 3.18). We suggest that phasing plans for infrastructure including green space should also be a requirement.

However, we are concerned about the third proposal – that permitted development rights for 'popular and replicable' forms of development will enable 'gentle densification' or 'redevelopment of existing residential buildings' in Renewal Areas. Our key concerns are as follows:

- If a robust national and local design framework and adequate local authority resource is not in place, there will be pressure to continually replicate development that has already received consent, regardless of whether it is appropriate to local context and place.

- The popularity of a development type among some members of the community does not necessarily relate to its beauty or ensure that it will not impact adversely on others.
- While there will be situations where densification of urban form is desirable and can limit greenfield development elsewhere, permitted development rights should not be used to promote unnecessary redevelopment that is wasteful of embodied energy and natural resources and undermines efforts to minimise CO₂ emissions.
- Individual environmental assets or constraints (such as heritage assets, both designated and non-designated) should be excluded from any extended permitted development rights, and there should be mechanisms to take account of natural and built environment.
- Nationally set permitted development rights and standards cannot take account of the wide range of local contexts that exist. If local authorities and neighbourhoods are to be given the power to prepare local orders modifying how the standard types apply in their areas, then it follows that there should be transition arrangements allowing local orders to be put in place before the national permitted development rights come into force.

Bearing in mind our significant concerns about the third part of this proposal, we welcome the suggestion that technical development and testing will take place through a pilot programme to test the concept.

Pillar Three: Planning for infrastructure and connected places

Summary of key points

The National Trust believes it is vital that new development across the country is provided with good access to green space, which benefits people and nature. Simplification of the current developer contribution system has potential benefits, however there are a number of significant practical issues that need to be worked through. These contributions need to be seen in the context of other sources of funding, as well as the impacts on the delivery of development if the levy is too high. Contributions collected and spent locally can be good for delivering local infrastructure, however it is often areas which are less attractive to developers where infrastructure is most needed. In those places that desperately need infrastructure spending, but are at the end of the lower property value and profitability spectrum, there is a risk that it will not be delivered.

Fundamentally, we believe that funding for the delivery and maintenance of green spaces, and other green infrastructure, needs to increase. Many local authorities are at a tipping point in how they fund and run their parks and green space services - and whether they can invest in any new green infrastructure. Under any new planning system, the contribution of an Infrastructure Levy will be vital for running public services like parks that make a place truly liveable. Whilst there should be a ring-fence for affordable housing, this should not be able to dominate the Levy, and there are risks that other forms of infrastructure will be squeezed out. Unless other sources of funding for affordable housing

are increased, delivery of both open market and affordable housing will reduce. Furthermore, we would like to see consideration for a ring-fence for green infrastructure, in order to deliver more healthy, beautiful and wildlife rich places to respond to the ambitions in the White Paper.

Currently, Section 106 (s106) obligations are not only used for financial contributions and delivering affordable housing, they are also used for restricting the use of land, requiring operations or activities to be carried out, and requiring land to be used in specific ways. The planning system needs to retain a mechanism that allows legal agreements between developers and local planning authorities, even where these have financial implications.

Additional points not covered by the questions

We believe that as a principle that Planning should deliver benefits for people and places and we acknowledge that the current system is weak in capturing land value uplift and would welcome interventions to redress this balance so that not only land owners benefit as a result of developments granted through the planning system.

21. 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]

The National Trust believes it is vital that new development across the country is provided with good access to green space, which benefits people and nature. Biodiverse and attractive green space is important for the wellbeing of local people as well as providing environmental benefits such as urban cooling, flood mitigation and improved air quality.

Covid19 and the experience of lockdown has exposed deep inequalities in the quality of people's environments. Particularly noticeable has been the difference in access to green space, which has been so vital to people's health and wellbeing during this period. New research by Vivid Economics and Barton Willmore¹², commissioned by the National Trust and partners found that 295 deprived neighbourhoods (around 440,000 people) had no trees or accessible green space at all. The planning system needs to support delivery of accessible green space.

Further priorities should be decided based on local needs. Each area should have a strategy or plan that delivers on local need, is evidence led, and codesigned with the community.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which

¹² <http://www.bartonwillmore.co.uk/BartonWillmore/media/Main/news/news/2020/Greenkeeper/Greenkeeper-Report-for-FPA-Greening-Programme-July-2020-2.pdf>

is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

Simplification of the current system is good in principle with potential benefits for transparency and spreading the financial burden more widely. However, there are a number of significant practical issues that need to be worked through.

In addition, it should be noted that Section 106 (s106) obligations are not only used for financial contributions and delivering affordable housing - they are also used for restricting the use of land, requiring operations or activities to be carried out, and requiring land to be used in specific ways. The planning system needs to continue to be able to facilitate legal agreements between developers and local planning authorities, even where these have financial implications. We consider there would still need to be a mechanism for securing targetted planning gain that is directly related to specific development proposals, such as when development proposals include measures to achieve or support heritage conservation and landscape and habitat restoration. This would need to be allowed for in either the main White Paper proposal or the alternative option, and we welcome the intention set out in footnote 16 of the White Paper that planning obligations may still be used to secure a covenant on land.

However, we believe it is vital that enough money can be ring fenced for environmental and public goods such as green infrastructure.

S106 and CIL are currently a fundamental element of the financial model for parks and green spaces to be provided and improved and for new open space infrastructure to be maintained. Due attention needs to be paid to ensure this is retained and enhanced.

We believe that there should be a system of relief in order to avoid adverse impacts on the work of charities and community interest companies delivering economic, social and environmental infrastructure.

While fully recognising the need to increase resources for local planning authorities, we have some concerns about the potential public perception of proposals (under proposal 23) to allow local authorities to retain a proportion of the levy for planning costs. We foresee that this could lead to accusations that planning permissions were being sold to finance the planning department.

It is unclear how a consolidated levy based on fixed proportions and a set threshold could ever be sensitive enough to changes in land value and viability between areas, between sites within areas, and to different forms of development whilst delivering a meaningful amount of money. The definition of "development value" that is intended to form the basis of the levy is not made clear in the White Paper, but the implication appears to be that the levy would be based on gross development value at the point of completion or occupation.

This would be the overall value, not just the uplift arising from the grant of planning permission, and would be considered without deducting the costs of acquisition or delivering development, although average build costs and an allowance for land costs would be factored into setting the threshold. An overly burdensome levy would slow overall delivery by stopping marginal sites coming forward. We believe more detail is needed on how the rates and thresholds would be set and what would be taken into account when doing so. Careful consideration will have to be given to the point at which development value is calculated.

A particular concern will be ensuring that the levy avoids creating a disincentive to brownfield development. Part of this will be whether and how it recognises and responds to costs such as dealing with contamination or the conservation of heritage assets, including using appropriate high quality materials and methods. This will particularly be the case where these costs are so great that they result in a site having a negative land value prior to development. We question whether these, for example, would be allowable as in-kind benefits or deductible costs under the levy.

The White Paper identifies a need to consider the scope of the levy, while stating that it would be charged across all use classes. Within the consideration of scope, we suggest that there is a need to address whether the levy would just cover built development or include non-built operational development, such as quarrying, as well as material changes of use.

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]

The proposals are not sufficiently detailed for us to give a conclusive answer at this time. However, we would welcome the opportunity to comment once and further consultation once there is more detail. An allied question is whether a threshold, as well as a rate, should be set nationally at single level, nationally at area-specific levels, or locally.

Setting a single rate and threshold nationally would bring simplicity and consistency but the impacts could be greater when revisions are made due to political changes in government. A single rate and threshold for the whole nation would not take into account local economic conditions and the significant range in both property values and the profitability of sites. There are also regional variations in build costs, area specific rates set nationally might be a solution but there should be strong regional and local engagement.

With anything other than a single national rate and threshold, consideration would also have to be given to potential consequences at the boundaries between areas.

If rates and thresholds are to be set locally, the Government will need to establish clear criteria and processes by which rates should be set, including the evidence and engagement that would be required. It should also consider the resources that local

authorities would require to do this work. Another alternative could be for rates and thresholds to be set nationally (either a single rate or area based at a large scale) with local authorities allowed to vary the rate and threshold upwards or downwards where justified.

There is also the question of which authorities could set a local rate – whether it would just be the relevant local planning authority or whether it would include combined authorities, mayoral authorities and county councils. We welcome the proposals to carry forward a neighbourhood share as a means for delivering environmental, social and economic infrastructure at the most local level. The rate, or rates, and mechanisms for this will need consideration.

Whatever option is adopted, it is inevitable that in areas with lower overall levels of development value coming forward, whether as a result of the volume of development or the unit value or both working together, less funding will come from the levy than in other areas. Unfortunately, it is often areas which are less attractive to developers where infrastructure is most needed. In those places that desperately need infrastructure spending, but are at the end of the lower property value and profitability spectrum, there is a risk that the infrastructure needed (including blue and green infrastructure) will not be delivered. The distribution of other public funding for infrastructure should take account of this.

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.]

More value.

Research published by MHCLG in 2020¹³ shows that the overall value of Community Infrastructure Levy (CIL) levied and planning obligations agreed in 2018/19 was around £7bn, with around £4.7bn of this being for the provision of affordable housing. There was considerable regional variation in the value of planning obligations and CIL ranging from £1,921m in London to £189m in the North East region. While acknowledging that CIL and s106 contributions are not directly related to population, using per capita figures is a way of taking account of the different sizes of the regions. When looked at on a per capita basis the values vary from £279/person in the South West region to £57/person in the North West¹⁴. There is a very clear North-South divide both in the gross total and per capita figures. All the highest figures are in the South and the lowest in the North, with the two Midlands regions in the middle.

¹³ The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19, MHCLG 2020. The White Paper states the £7bn figure in relation s106 obligations alone but the report shows about £1bn of the total was levied through CIL.

¹⁴ 2018 population data from ONS Regional Population Estimates for England and Wales, 1971 to 2018.

Region	Total £m	£/person
South West	1,565	279.48
London	1,921	215.65
South East	1,713	187.55
East	813	131.10
East Midlands	602	125.31
West Midlands	433	73.38
North East	189	71.11
Yorks. & Humber	329	60.04
North West	413	56.64

With this level of variation, it becomes something of a shot in the dark as to what this question, or any answer to it, actually means. This is particularly the case as the amounts represent a bundling together of contributions to affordable housing, environmental, educational, community, transport and travel and other forms of infrastructure.

The National Trust believes that there needs to be an increase in the amount of spending to deliver quality open space and environmental infrastructure. This needs to include provision for future maintenance. We are concerned that the increasing dominance of the levy by the cost of affordable housing contributions may lead to other forms of infrastructure being squeezed out.

Ultimately, this becomes a question of what proportion of the costs of providing which public goods is levied on development, and what is supported through general taxation or other means. The Infrastructure Levy is potentially best suited to delivering those benefits which are most closely related to land and development, and least suited to delivering benefits which require money to be redistributed from one part of the country to another.

23. 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.]

Yes.

In addition, the levy should capture development value (above the levy threshold) arising from operational permitted development, for example through additions of dwellings to existing buildings or the demolition and replacement of buildings. Where change of use in high street offices or shops to dwellings is permitted, a levy would enable the creation of green infrastructure for new residents, where often none exists, for example micro-parks, public gardens, street trees.

24(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.

Any assessment of the level of affordable housing provision to be secured through the levy should be responsive to the constraints of ensuring that development is both viable and able to meet other infrastructure needs.

We agree that there should still be an ambition for delivery of affordable housing on-site as a proportion of larger housing developments.

However, in considering this issue we believe that there should be some differentiation between the use of planning controls, including legal obligations, to reserve homes as affordable housing, and using the levy to secure the subsidy that enables that provision to be affordable. MHCLG data shows a small proportion of s106 affordable housing received a partial grant up until starts in 2018/9.¹⁵ We suggest that financial contributions to affordable housing provision (including in-kind delivery) secured through the planning system should be seen within the context of public funding towards housing. This includes the £12.2bn investment in affordable housing to 2026 announced by the Secretary of State, Robert Jenrick, and the cost of Housing Benefit, which the Economic Affairs Select Committee reported as having “ballooned in recent years” and which the OBR reported as being £23.4bn in 2018/9. Furthermore, we question whether the experience of the past few decades has served to demonstrate that the planning system is not the sole, or even the main solution to the affordable housing crisis. Where viability is more of an issue, a more sophisticated approach to the question of how the affordable homes within a development are funded may be crucial to increasing the amount of delivery of both affordable and market housing.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

We agree that there is a strong link between where development occurs and where funding is spent and that this should remain. What is less clear is whether benefits arise in allowing local authorities to widen spending to priorities other than infrastructure, such as reducing Council Tax.

We believe the limits should remain as currently to infrastructure or affordable housing, as this is readily accountable to communities. Where priority obligations are met we suggest that it is spent on matters that would mean a greater share back to the communities where the development occurs, or that it goes directly to support other environmental improvements which could be discussed and agreed locally.

¹⁵ MHCLG Affordable Housing Statistics, Tables 1000, 1000C and 1000S

Many local authorities are at a tipping point in how they fund and run their parks and green space services - and whether they can invest in any new green infrastructure. Under any new planning system, the contribution of an Infrastructure Levy will be vital for running public services like parks that make a place truly liveable.

It's important to recognise that S106 and CIL contributions to green infrastructure also play a catalyst role in attracting additional external funding from the wider public, private and philanthropic sector.

Maintaining flexibility to be strategic and creative will be important in harnessing opportunities for local authorities to deploy more innovative financial mechanisms for example, endowments, commuted sums, outcomes payments, nature-based solutions. It also creates the opportunity to strategically combine income sources to achieve bigger green infrastructure gains for a place e.g. Infrastructure Levy, carbon funds and biodiversity net gain.

25(a). If yes, should an affordable housing 'ring-fence' be developed?

Yes, or it will erode the amount that is delivered, something which is an issue in most local authorities unless significant additional resources are made available through other means, such as general taxation and borrowing by local authorities.

There could also be consideration given to introducing a green infrastructure ring-fence in order to deliver more healthy, beautiful and wildlife rich places to respond to the ambitions in the White Paper. This could be targeted at different categories of need to tackle inequality of access to quality green space and where there is greatest gain for nature based solutions to climate resilient places. For example:

- street-scale - improvements of trees, new streets parks or neighbourhood parks
- town or city-scale - enhancing existing parks and green infrastructure and its overall connectivity
- city-region scale - creating larger scale peri-urban forests or parks in areas of high need and opportunity, particularly for nature based solutions to urban growth and resilience.

Delivering change

Although there are no questions on proposals 23 and 24, or the wider text relating to delivering change, the National Trust would like to comment on these areas of the White Paper.

The radical planning reforms advanced in the White Paper, Planning for the Future, and further reforms directly and indirectly affecting the planning system in the interim, suggest a need for a holistic approach to transitional working over the next few years. This should aim to ensure that the system remains clear, predictable and workable; that good progress

is made on plan preparation and adoption; and that the planning system meaningfully contributes to the objectives of building back greener and better, as well as faster.

The National Trust has already responded to the consultation on shorter-term changes to the existing system, amongst other things setting out our concerns that they would be unhelpfully disruptive over the transition to the new system.

The White Paper expresses support for development corporations, referring to the recent consultation on changes to their legislative framework. If development corporations are pursued by the government as a mechanism for delivering large-scale development, they need to be properly resourced and skilled. Their responsibilities need to encompass environmental, social and economic objectives and they need to have effective means of ensuring engagement with local communities and involvement of local councils.

Proposal 23

We welcome the Government's recognition of the resources and skills challenges already facing the planning system and arising through the White Paper's proposed reforms. Throughout our response we have highlighted areas where we consider that there would be resource challenges:

- Involving the public in the debate over the level of growth proposed in their area
- Front-loading assessments into the local plan process, including heritage, archaeology, ecology, flood risk and contamination, the sustainability of proposals for defined 'areas' and for the plan as a whole
- Collecting heritage and biodiversity data and making it available to users
- Heritage and design skills at local authorities, including but not limited to the proposals for Chief Officers and skills for adapting historic buildings for climate change
- Neighbourhood planning, including the delivery of local design guides and codes
- Better support for pre-application engagement and member involvement over major development proposals
- Setting local rates and thresholds for the Infrastructure Levy
- Ensuring that people are not disenfranchised by the move to more digital methods of engagement

While recognising the attraction of planning to be largely funded through fee income, we applaud the White Paper's recognition that some planning activities should be funded through general taxation given the public benefits from good planning. We have set out our concerns about the reputational effect of the proposals that part of the Infrastructure Levy should be used to fund planning services.

The front-loaded nature of the White Paper proposals would create a considerable requirement for expenditure by local planning authorities in advance of planning applications. The distribution of responsibilities, and therefore costs, between promoters and local planning authorities is something which the Government will need to address but

even with most responsibilities placed on promoters, costs will remain on local authorities. A partial solution could be to levy a proportionate fee on site promoters at stage 1 of the new local plan process.

Proposal 24

The new approach requires a much stronger enforcement function, including consistent pro-active checking. We welcome the proposals to review and strengthen enforcement powers and sanctions generally.

26. 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?

The National Trust believes that the Government should undertake an equalities assessment of the potential impacts of the reforms proposed in the White Paper, before legislating for them.

We note that the emphasis in the White Paper proposals on digital methods of engagement could result in digital exclusion. The March 2018 ONS publication “Exploring the UK’s digital divide” reports that some people remain digitally excluded stating, “This is particularly the case among certain groups, including older people and disabled people as well as potentially those not living in private households and who are unlikely to be well reflected in this analysis.”

The digitisation proposals would also have effects on those making planning applications. The Government may need to consider the support that would be required to enable fair and equal access to the ability to apply for planning permission.

Furthermore, the Government should ensure that the planning reforms do not undermine their levelling up agenda. There are some stark existing inequalities in access to quality of living and garden space, and the Government should ensure planning reforms, including any secondary legislation, address rather than exacerbate these. For instance, research by Vivid Economics and Barton Willmore¹⁶, commissioned by the National Trust found that in areas where over 40 per cent of residents were from ethnic minorities, there was 11 times less public green space than in areas where residents are largely white. Additionally, what green space did exist was also likely to be of poorer quality. Meanwhile, black people were four times less likely than white people to have a private garden.

¹⁶ <http://www.bartonwillmore.co.uk/BartonWillmore/media/Main/news/news/2020/Greenkeeper/Greenkeeper-Report-for-FPA-Greening-Programme-July-2020-2.pdf>

Lisa Lamb, Head of Planning and Major Infrastructure, Lisa.Lamb@nationaltrust.org.uk

National Trust
Heelis
Kemble Drive, Swindon
Wiltshire SN2 2NA
Tel: +44 (0)1793 817400
Fax: +44 (0)1793 817401
www.nationaltrust.org.uk

President: HRH The Prince of Wales
Chairman: Tim Parker
Director-General: Hilary McGrady

Registered office:
Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA
Registered charity number 205846