



Planning Reforms Where Are We Now?

SUMMARY

- The 2020 **Planning for the Future White Paper** reforms and Planning Bill have been paused and are under review. It has been reported that Conservative MPs have been told that a Planning Bill would not be brought forward.
- The more radical proposals from the White Paper, such as the growth zones system, **are no longer expected**. More limited changes to planning are rumoured to be introduced alongside Levelling Up and Regeneration legislation in the 2022 Queen's Speech.
- The **Levelling Up White Paper** and **Chief Planner's newsletter** discussed watered down proposals such as the simplification of local plans and a new non-negotiable infrastructure levy, to be brought forward "in the next couple of weeks".
- Discourse at the Conservative Party Conference indicated a desire to focus housebuilding on brownfield sites. This and the Levelling Up White Paper caused a concern for LPAs, causing some to hold off on local plan production.
- Wider environmental policy and legislative changes have been enacted or are being consulted on. The Environment Act 2021 introduced **Local Nature Recovery Strategies** and a mandatory 10% Biodiversity Net Gain on development in England by 2021.
- Digital planning projects are ongoing, with funding announced within the Autumn Budget to support the development of new software for LPAs.
- Reforms appear to be taking a more piecemeal, indirect and watered-down form through other areas of the Government's agenda, such as the Environment Bill and Levelling Up agenda, rather than sweeping changes under standalone planning legislation. The Queen's Speech in May 2022 may provide further clarity.
- The 2020 White Paper proposals, words at the party conference and the levelling-up agenda have had impacts on plan-making in England, with local authorities unclear about central government messaging in relation to how the system will change and the impact on their decisions on brownfield and greenfield allocations.
- A number of local authorities have either paused the production of their Local Plans or decided to withdraw their Local Plans from Examination.

Infrastructure Levy

- The new infrastructure levy, as proposed in the 2020 White Paper, is planned to come forward in a legislative vehicle in **“a couple of weeks”** (as of 30 March 2022).
- The levy will be:
 - Non-negotiable;
 - Payable on completion of development; and
 - LPAs can borrow against infrastructure levy revenues to bring forward infrastructure before development commences.
- Queen’s Speech on 10 May 2022 could provide further detail on the Government’s planning reform agenda, but that the Government intends “to go much further, by creating a more streamlined, smoother planning system”.
- It is likely further detail will become known alongside the infrastructure levy legislation.

Levelling Up Agenda – February 2022

- The **Levelling Up the United Kingdom White Paper** (February 2022) was met with criticism, with suggestions that it did not have much substance. However, a range of policy interventions which are likely to impact both directly and indirectly on planning were announced:
 - The simplification of local plans to ensure they are transparent and easier to engage with (2020 White Paper proposal)
 - New infrastructure levy model (2020 White Paper proposal)
 - Policies and powers to enable planning to support town centre regeneration.
 - Improving democracy and engagement in planning decisions.
 - Supporting environmental protection through planning.
 - A range of measures to improve availability of subnational data and spatial modelling capacity and techniques.
 - High Street Task Force to announce next 68 LAs to receive expert support.
 - £30m parks fund: £1m for 30 local parks in England for facilities and refurbishment.
- It was also stated that “legislation will be introduced alongside wider planning measures to underpin changes fundamental to levelling up.”

Environment Act 2021 and Regulations – November 2021

- **The Environment Bill** become an Act of Parliament on 9 November 2021. The Act makes provisions about targets plan, plans and policies for improving the natural environment.
- Within this, a provision was made regarding a **mandatory 10% Biodiversity Net Gain (BNG)** on all TCPA and NSIP developments. This would be made by amending the Town and Country Planning Act and is likely to become law in 2023.
- A new form of spatial strategy was established by the Act for England, **Local Nature Recovery Strategies (LNRSS)**. These will agree priorities for nature recovery, and map valuable existing areas and proposals to improve habitats.
- Proposed changes to the Habitats Regulations processes, systems regarding the designation and protection of Natura 2000 sites, and a commitment to protect 30% of England’s land and sea by 2030 are currently being consulted on through the **Nature Recovery Green Paper**.
- **A consultation** is ongoing regarding the statutory long-term environmental target priority areas to be achieved by a specified date within 15 years. These targets will involve air quality (PM2.5), water, biodiversity, resource efficiency and waste reduction as well as environmental targets regarding nutrients and air quality.

Conservative Party Conference – October 2021

- While planning reforms were not covered in much detail over the conference, speeches by key Conservative ministers indicated a focus on brownfield development for housebuilding. References were made to the protection of the countryside, potentially set out in law, against “ugly” development.
 - Boris Johnson mentioned the building of homes “not on green fields, not just jammed in the south east, but beautiful homes on brownfield sites, in places where homes make sense.”
 - Michael Gove, the DLUHC minister, did not expressly mention planning in his speech, but reiterated the focus of building on brownfield.
 - Oliver Dowden **confirmed a review** of planning reform proposals, then reiterated protecting the countryside from ugly development

Ongoing Digital Planning Projects

- The digitalisation of planning was a key component of Planning for the Future and has been ongoing through a number of pilot schemes and projects funded by DLUHC’s Local Digital Fund.
- DLUHC state that the improvement of software to support development management is a key focus of their work to reform the planning system in England.
- **RIPA and BOPS projects** continue to grow and a number of **Pathfinder** projects were announced in January 2022
- Rather than wide sweeping legislative changes, the most impactful reforms are likely to happen through this format.

Autumn Budget – October 2021

- Chancellor Rishi Sunak’s Autumn Budget and Spending Review on 27 October 2021 was silent on planning reforms, apart from digitalisation. However, **numerous funding sources were identified** that may impact plan-making.
 - £65 million was confirmed to be provided “to improve the planning regime, through a new digital system which will ensure more certainty and better outcomes for the environment, growth and quality of design”.
 - No further detail on the funding was provided, but will be seen in “due course”.
 - A Treasury briefing note stated that the £65 million investment will be rolled out in a first phase of delivery to up to 175 English local authorities and will involve the development of new software.
 - Digital planning and local government projects pre-date the budget and therefore such funding may be used to expand the scope and scale of some of these projects, depending on their success.

Reshuffle and Pause – September 2021

- Michael Gove replaced Robert Jenrick as the minister for the newly named DLUHC
- It was announced that planning reforms proposed in Planning for the Future, to be enacted through a Planning Bill, were **paused and placed under review** in September 2021.
- The Chesham and Amersham by-election loss for the Conservatives was cited as a reason for this review.



Toby Bonny
Planning Assistant
Toby@dacplanning.com



David Coleman
Director
David@dacplanning.com