

Planning for the Future Consultation  
Planning Directorate,  
Ministry of Housing, Communities  
And Local Government  
3rd Floor, South East Fry Building  
2 Marsham Street  
LONDON  
SW1P 4DF

Paul Dennett  
Portfolio Lead, Housing,  
Homelessness and Infrastructure  
GMCA  
Churchgate House,  
56 Oxford Street  
Manchester M1 6EU  
[planningandhousing@greatermanchester-ca.gov.uk](mailto:planningandhousing@greatermanchester-ca.gov.uk)

29 October 2020

Dear Consultation Team,

### **Planning White Paper – Planning for the Future**

I am writing to you as the Greater Manchester Combined Authority (GMCA) Portfolio Lead for Housing, Homelessness and Infrastructure.

Thank you for the opportunity to comment on the Government's White Paper proposing a new planning system. The proposals would comprise a fundamental change to the way development is planned in England. Change of this scale should be managed through a comprehensive and collaborative process, involving local authorities, the development industries, environmental groups and local communities. We would welcome a genuine debate on how the planning system can be improved, but this is only possible if the current consultation is the first step in a process. There is no indication of the intended process following this current consultation however the tone of the White Paper implies that government sees this consultation as the end of the process. Given the lack of detail around many of the proposals GMCA would be very concerned if this was the case, and at any move to rush through changes.

There have been numerous efforts to simplify the planning system over recent years (inter alia, through the National Planning Policy Framework, extension to permitted development rights and the five-year housing land supply target). These have not had the desired effect. In some local areas, there is resistance to development due to its perceived negative impacts, particularly on those closest to the development. Changes to the planning system so far (increased permitted development rights and prior approval for example), have sought to reduce the ability of local communities to effectively manage development, which has only increased levels of resistance. The

proposals in the White Paper will further lead to the exclusion of local communities from significant parts of the plan-making and planning application processes. This is an unacceptable and undemocratic approach. The White Paper puts forward potentially radical proposals that lack substantial detail, which therefore do little to assuage inherent concern over further changes. As noted above, the government has made numerous efforts to simplify the planning system, many of which are to the detriment of local communities and have resulted in unacceptable developments, particularly with regard to the amenity of people in developments created as a result of permitted development rights. Given this track record, GMCA remains to be convinced that a wholesale review will lead to any better outcomes from the planning system.

To effectively address challenges in the planning system, a review should seek to understand and resolve concerns. The public planning system is not only a means of regulating the private development process, it should be seen as indivisible from this process. Local authorities should have the means to manage and drive development, including the key policy outcomes that matter to local people. There should also be consideration over how the benefits of growth can be more tangible at the local level, so that growth is not only mitigated but actually leads to improvements in public services and people's lives.

## **Pillar One – Planning for Development**

Pillar One of the White Paper proposals cover changes to Local Plans and Development Management. These are based on simplified Local Plan with zonal categories (Growth, Renewal and Protection) and planning consent processes associated with each, through which the current Development Management process would be the most involved.

The GMCA is a Mayoral Combined Authority with strategic planning powers. The Publication Plan Greater Manchester Spatial Framework was published on 23 October, prior to an 8-week consultation starting on 1 December. The role of sub regional strategic planning is a glaring omission in the White Paper proposals. It is hoped that this is not because Government no longer sees any value in sub regional strategic planning – it is considered essential from a Greater Manchester perspective as it allows us to plan more sustainably, utilising our urban land supply effectively and working alongside our infrastructure providers to ensure the timely provision of services needed to support development. Clarification from Government on this point is urgently sought.

Notwithstanding the above, we have considerable concerns over the proposed Local Plan and Development Management proposals. The White Paper talks about 'best-in-class' engagement, but the process offers reduced opportunities for local communities to get involved. For significant proposals within 'Growth' areas, local communities would only be consulted upon these when the development plan is submitted for examination. If the plan is approved, major development could be consented with very little local support and without even being considered by a planning committee.

We would welcome a shorter Local Plan process, but time savings should come from removing unnecessary stages and requirements. Elements of the White Paper address this and are welcomed. However, other proposals in the White Paper seem to focus on providing shortcuts for development, regardless of local views.

The rebuttable to these concerns seems to lie in the commitment to locally prepared and endorsed masterplans and design guides/codes. However, there is very little detail explaining exactly how these would look and work. Without this, it is impossible to have confidence that the new system would function effectively. Furthermore, design guidance would only be able to deal with issues of detail. Rushed-through plans would already include the principle of developments that have only partially been assessed for impacts on infrastructure, amenity and environmental harm.

### **Pillar Two – Planning for beautiful and sustainable places**

As important as aesthetics are as an aspect of design, the GMCA is concerned that the Government's understanding of design seems to extend little beyond what new development looks like. Design must also take account of how development works – whether it effectively responds to environmental challenges, promotes an inclusive society and creates legible places. Furthermore, proposing a 'fast-track for beauty' seems fraught with uncertainty over how such a subjective assessment can inform the planning consent process.

The White Paper appears to offer increased commitment to responding to Climate Change, which is supported by the GMCA. We would welcome the opportunity to work alongside the Government to clarify the planning policies we need in this area. Greater Manchester has developed a comprehensive evidence base on climate change, and this illustrates the importance of taking action in the very short term to improve environmental standards of new development. In addition, GMCA is involved with the IGNITION project, which is EU funded and brings together 12 partners from local government, universities, NGOs, and businesses. As part of this a Nature Based Solutions Living Lab is being developed to create a model for green infrastructure that enables major investment in large-scale environmental projects for climate resilience. This is a good example of testing green infrastructure innovations / technologies to deliver beauty and sustainable places, as envisaged by the White Paper.

### **Pillar Three – Planning for Infrastructure and Connected Places**

GMCA has concerns over the proposals to replace section 106 agreements (and the Community Infrastructure Levy) with a consolidated infrastructure levy. As part of any proposed changes to the approach that is taken to developer contributions, there will be a need for a comprehensive change to how viability is considered. Currently the approach is heavily weighted in favour of the development industry, particularly reference in the national planning practice guidance on viability to developers receiving a profit of 15-20% of gross development value (GDV). As currently drafted the NPPF and associated guidance do not allow us to adequately capture land value

uplift associated with the granting of planning permission. Any changes need to ensure that that landowners and developers are no longer able to avoid obligations by limiting the uplift in value that goes to private profit rather than public benefit. Under the current unbalanced approach, we cannot deliver the myriad of asks in terms of planning policy outcomes that are required in order to ensure that development is sustainable, directly mitigates its impacts, and brings benefits to local communities.

An excessive reliance on scheme viability has the effect that the proportion of public good secured through planning and development is directly related to the strength of the local development market. However, the proposals in the White Paper reinforce this relationship, also removing the potential for local authorities to negotiate to increase the level of contribution. Greater Manchester local authorities would expect to see a reduction in the contributions received, something which is fundamentally at odds with the Government's commitment to 'levelling-up'. Stronger value capture mechanisms are required.

Furthermore, rather than set out affordable housing as a requisite contribution in all developments, the proposals would see any element of affordable housing resulting in a corresponding reduction in contribution to infrastructure. This approach is deeply concerning given the government themselves have acknowledged that there is a housing crisis. In Greater Manchester there are 99,898 households on the housing register, waiting for a social home. Over 30,500 of these households are identified as in priority need. The proposals in the White Paper will only exacerbate these issues. A final vital point in relation to section 106 contributions is that they are intended to mitigate the impact of development. The requirement for there to be a local impact from any funding secured is essential. It is not clear this is retained through the White Paper proposals.

The proposal for the Infrastructure Levy to be levied at the point of occupation militates against the provision of infrastructure alongside development, which is longstanding concern of local people in relation to development proposals. The proposed reform of the system should address this issue, not exacerbate it. The ability to borrow against the Infrastructure Levy is supported however uncertainty about whether the levy will be paid (the occupation point above) will reduce the effectiveness of the proposal.

## ***Summary***

The GMCA believes that there are fundamental problems with the proposals within the Planning White Paper, one of the most obvious being that there is no detail at all about how the proposed reforms would work. This is not to say that any change to the English planning system should be rejected: there are some aspects of the White Paper proposals that would improve the way the system operates, and we would be very happy to engage further with Government to consider how Greater Manchester's positive approach within the current system can promote the benefits the White Paper claims to seek. However, the proposals in the White Paper would fundamentally harm the sustainability and democracy of English planning. Planning is the most effective means of taking account of the environmental and infrastructure

impacts of development. Being able to properly consider these issues results in more sustainable outcomes, which are an increasingly important element of the response to the climate emergency. In Greater Manchester, we recognise that development and change are valuable and can be positive, but there is an impact on local communities. It is essential that planning allows robust engagement so that people can have confidence in the process and accept its outcomes. The proposals in the White Paper would harm this confidence and must be reconsidered.

### **Proposed Planning Reforms and Fire Safety Issues**

In addition to my responsibilities as Greater Manchester Portfolio Lead for Housing, Homelessness and Infrastructure, I am also Chair of the Greater Manchester High Rise Task Force. The proposed planning reforms contained within the White Paper and the expansion of Permitted Development rights are a significant concern in relation to fire safety in multi-storey multi-occupied buildings.

The Independent Review of Building Regulations and Fire Safety reported to the Government in May 2018 and confirmed that the current regulatory system for high-rise and complex buildings was “not fit for purpose” and that there were “deep flaws” in the current system. A clear recommendation within the Final Report was the creation of a regulatory ‘gateway’ at the planning stage. The purpose of the proposed Gateway 1 at the point of planning permission was to ensure that access for firefighting purposes is considered prior to the grant of planning permission.

The Government in responding to the Building a Safer Future Consultation in April 2020 expanded on these proposals and indicated that Gateway 1 would apply to all multi-occupied residential buildings of 18 metres or more in height or more than six storeys. The Government then stated that at Gateway 1 developers would be required to submit a ‘fire statement’ setting out the fire safety considerations specific to the development with their planning application.

It is a cause for concern that despite the consideration of fire safety and access being a fundamental principle of the reforms recommended to and accepted by the Government these are not enshrined in the Building Safety Bill and it is unclear how this could work within the proposed reforms of the wider planning system.

The explanatory notes which were published with the Building Safety Bill suggested that Gateway 1 can be delivered through amendments to the Town and Country Planning Act by making the new Building Safety Regulator a statutory consultee at the planning stage. The principle of Gateway 1 is that fire safety should be considered at an early stage with particular reference to firefighting access and water supplies. It is not clear how it is envisaged that the new national Regulator will have the knowledge or expertise to comment on these matters, as primarily this will relate to operational considerations of Fire and Rescue Services (FRSs). If it is the intention that the Regulator will utilise the local FRSs, it is unlikely that the current statutory consultation period will be appropriate.

The aim of the Building Safety Bill to embed fire safety from the outset of the design of a building is undermined by the exemption for buildings where the use is changed under permitted development rights. This is particularly relevant regarding Gateway 1. The basis on which the Government does not consider it necessary for fire safety, including access and water, to be a consideration when planning the expansion of, or change of use to, a high-rise residential building is unclear. This will be exacerbated by the proposed changes to the planning system and the presumption in favour of development for 'growth areas'.

The scale of conversions from commercial to residential is relatively low across Greater Manchester in comparison to other areas of the Country. However, the work undertaken within Greater Manchester following the fire at Grenfell Tower has identified significant fire safety concerns with converted accommodation.

Greater Manchester Fire and Rescue Service (GMFRS) which has inspected all high rise residential buildings has identified fire safety deficiencies in all of the high rise buildings it has inspected which have been converted from office accommodation. The extent of these deficiencies goes beyond concerns about external cladding and includes inadequate compartmentation, a failure to provide adequate firefighting facilities and small room sizes with layouts that increase the risk to occupiers. Enclosed in Appendix A are 2 case studies outlining the fire safety issues arising in Greater Manchester.

We look forward to reading your responses to the points we have raised in this letter and in our detailed consultation response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Dennett', with a stylized flourish at the end.

Paul Dennett  
City Mayor of Salford and Greater Manchester Portfolio Lead, Housing,  
Homelessness and Infrastructure

Enc. Greater Manchester Combined Authority Responses to the White Paper  
Planning for the Future

## **APPENDIX A**

### **Planning White Paper – Planning for the Future response from Greater Manchester Combined Authority**

#### Case Study 1

The conversion of a nine storey building which contained eight floors of vacant office space to 114 residential flats was completed in 2016. Inspections following the fire at Grenfell Tower identified that a combustible cladding had been used to overclad the building. Further investigations identified that there were significant failures to comply with the requirements of the Building Regulations and consequently the Fire Safety Order. These included; significant failures to ensure adequate compartmentation throughout the development, the installation of a lift which was not adequate for firefighting purposes and inadequate means of escape for occupiers. A significant proportion of the flats had been sold to overseas investors for use as short term accommodation. A number of the flats contain kitchen facilities within the same room as sleeping facilities which increases the risks to occupiers and are below the national space standards.

The Local Authority commenced legal action utilising the provisions of the Building Act 1984 in relation to Dangerous Buildings and prior to a Court hearing the Developer sold on the Freehold without declaring the legal proceedings.

The costs of remediating the building are estimated to be £3.5 million and the timescales for remediation have been extended as access to the building for surveys and remediation work requires the permission of an adjacent landowner and highway closures.

Whilst many of the failings relate to the Building Control process which was undertaken by an Approved Inspector the issues relating to access to the building would be addressed through the introduction of Gateway 1 at the Planning Stage.

#### Case Study 2

The conversion of an 11 storey office building to 80 residential flats was undertaken via permitted development although a subsequent planning application was made to add a further storey.

The flats range from 'studios' to two bedroom flats and comprise of eight different layouts of which four do not comply with the national space standards. The design of three of the layouts include sleeping accommodation within the same room as kitchen facilities and would require the occupants to pass the kitchen area to leave the flat.

An inspection undertaken by GMFRS has identified significant problems in the compartmentation within the development which places residents at significant risk in the event of a fire and could compromise the escape routes in the event of a fire.

In Greater Manchester through the work of the Greater Manchester High Rise Task Force we have consistently called for tightening of the regulatory regime. Any reform of the planning system should include greater consideration of the safety of new developments. There is no basis to exempt conversions undertaken through permitted developments from the proposed Gateway 1 for new high rise residential buildings. The principle of Gateway 1 should be embedded into the planning process not rendered obsolete through the proposed reforms within the White Paper.



## Planning For The Future consultation questions

Source: <https://www.smartsurvey.co.uk/s/MHCLG-Planning-for-the-Future/>

<https://www.gov.uk/government/consultations/planning-for-the-future>

Consultation closes at 11:45pm on 29 October 2020

GMCA has not answered Q1-4 as these are aimed at users of the planning system.

**Q1. What three words do you associate most with the planning system in England?**

**Q2. Do you get involved with planning decisions in your local area?**

i. Yes

ii. No

**a) If no, why not?**

i. Don't know how to

ii. It takes too long

iii. It's too complicated

iv. I don't care

v. Other (please specify)

**Q3. 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?**

i. Social Media

ii. Online News

iii. Newspaper

iv. By post

v. Other (please specify)

**Q4. What are your top three priorities for planning in your local area? (Please select only three answers)**

i. Building homes for young people

ii. Building homes for the homeless

iii. Protection of green spaces

iv. The environment, biodiversity and action on climate change

v. Increasing affordability of housing

vi. The design of new homes and places

vii. Supporting the high street

viii. Supporting the local economy

ix. More or better local infrastructure

x. Protection of existing heritage buildings / areas

xi. Other (please specify)

## Pillar One – Planning for Development

**Q5. Do you agree that Local Plans should be simplified in line with our proposals?**

i. Yes

ii. No

iii. Not Sure

The ambition to create a more effective planning system that is simpler and more accessible is supported. Some of the proposed changes in the White Paper are also supported in principle such the ambition to reduce the procedural and legal requirements when preparing Local Plans. However, we have significant concerns that proposals to move towards a zoning style system of 'Growth', 'Renewal' and 'Protection' are too simplistic, prescriptive and would not be an effective basis for local planning.

The conurbation of Greater Manchester is comprised of a complex network of interwoven and connected places which are unlikely to fall into any one specific zone. Consequently, the zones would need to be defined at a very local level and would inevitably end up becoming more complex, undermining the ambition for Local Plans to be simpler.

We welcome the White Paper's proposals around biodiversity net gain, nature recovery strategies and green infrastructure standards. However, we are concerned that the proposals to simplify Local Plans could lead to loss and damage to the natural environment and compromise the goals of the 25 Year Environment Plan to secure nature's recovery. Nature is very fragmented and a lot of undeveloped land has a potential role to play to help nature recover and provide natural capital, which a zonal style system could overlook. Therefore, a new local plan approach should support the development of Nature Recovery Networks including mapping the network as designation alongside other land-use designations. It is also important that undesignated greenspace in the urban area is protected, which might be at a greater risk of development under the zonal style proposals.

The GMCA is co-ordinating the preparation of a joint Development Plan Document of the ten GM Districts – the GMSF. Once adopted this will provide a clear strategic planning framework for growth in jobs and homes, and protection and enhancement of the environment in Greater Manchester over the next 17 years. The GMSF, in effect, acts as the Spatial Development Strategy for Greater Manchester. It also provides flexibility to respond to the changes in circumstances and market conditions, which the proposed zonal system is unlikely to have.

The role of mayoral combined authorities in the new planning system particularly in relation including Spatial Development Strategies is absent from the proposals. There is a reference to combined authorities in having a role in distributing housing requirements across its area, but apart from that, there is no other information. It is important to note that collaboration on infrastructure planning at the sub-regional level is key principle of a good planning system focused on place making. Our approach in Greater Manchester focuses on partnership working with infrastructure providers and utility companies, supporting cross sector and integrated thinking, working and delivery. Therefore, further clarity from the Government and consultation with combined authorities is required from the Government.

**Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

- i. Yes
- ii. **No**
- iii. Not Sure

In principle, the ambition to avoid duplication and repetition of national and local policy is acceptable. Standardisation of some development management policies at the national level might be appropriate, but locally distinct development management policies that reflect local conditions are still required and which are formulated by local and combined authorities. It is not possible to have a 'one size fits all' approach. The concept of 'machine readable' policies is interesting, but there is a risk that it would remove local discretion and flexibility.

**Q7.**

**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?**

i. Yes

ii. No

iii. **Not Sure**

GM strongly supports the proposal to review the current tests of soundness as the current requirements involve considerable work without necessarily resulting in more beneficial outcomes. A more proportionate approach to Strategic Environmental Assessment and Sustainability Appraisal in general is particularly supported as the current system is overly bureaucratic and does not necessarily produce better outcomes. Yet there would still need to be compliance with national policy and other policy requirements. The piloting of strategic licencing for protected species in Greater Manchester (Great Crested Newts) has demonstrated that an evidential and precautionary approach can go hand in hand with quicker and faster decision making.

Therefore, further details of the what a 'sustainability test' would look like be required before we make further comments.

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

In Greater Manchester there has been a long history of local authorities working together on cross-boundary strategic planning matters through the GMSF and joint Waste and Minerals Plans. The Duty to Cooperate has enabled Greater Manchester to plan effectively at a strategic level to meet both housing and employment needs across the conurbation. If the Duty was removed, it is not clear how this would be achieved going forward and therefore any replacement mechanism would need to facilitate this type of joint working.

The Duty to Cooperate was introduced following the abolition of regional planning and to ensure local authorities worked together on strategic matters. The intention behind the Duty to Cooperate is supported but is not always significantly beneficial to cross-boundary planning. A number of Local Plans have been found unsound at examination for failing to appropriately demonstrate that the Duty has been undertaken, noting that Duty to Cooperate issues cannot be resolved at examination.

We would welcome further discussion with the Government to identify what has worked well and what could be improved to the Duty to Cooperate, however, if, as proposed, the Duty to Co-operate is to be abolished, further detail is required to

demonstrate what mechanisms will be put in place to ensure that cross boundary strategic matters can be dealt with appropriately.

**Q8.**

**a. Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

i. **Yes**

ii. **No**

iii. **Not Sure**

We have separately responded to the 'Changes to the Existing Planning System' consultation on a standard method for establishing housing requirements. In summary, the GMCA supports the principle of a standard methodology to calculate local housing need as disagreements over housing numbers is the main cause of delay in bringing statutory plans forward. However, we have raised concerns around: how the Government's commitment to deliver 300,000 homes per annum relates to demographic and market trends; the need to use the most up to date Sub National Household Projections; and apparent flaws in the application of the housing buffer, resulting in the need for a clearer and logical methodology. We support the proposal for mayoral combined authorities to oversee the strategic distribution of their housing requirement, including an alternative distribution, through joint planning. However, given our responses to Q5 and 7, further clarification on how this would work in a new planning system is required.

There is some appeal to provide a 'binding' figure for local authorities, incorporating constraints in the assessment of housing requirement as this would help achieve targets to counter the under delivery seen across parts of the country - although not Greater Manchester - and simplify the plan-making process. How this 'binding' figure is arrived at is not clear and much further detail is required before a proper view can be given. If the 'constraints' are to be identified nationally, there is a danger that this will have to be reduced to a 'formula based' approach, i.e. % of Green Belt/AONB equals a % reduction in LHN. Greater Manchester would object to such a simplistic approach, However, not all constraints are at the national level and other constraints may only become apparent after detailed local studies and engagement with stakeholders. Therefore, in practice it appears difficult to undertake effectively, risking delays and inaccuracy to housing requirements. and it is difficult to see how this could be implemented within the timescales set out in the White Paper, i.e. local plans prepared by the end of this Parliament.

**b. Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

i. **Yes**

ii. **No**

iii. **Not Sure**

We agree that affordability is an important input to understand appropriate development targets, however this should not be limited solely to the ability of people to purchase a property. Housing waiting lists and the numbers of households in temporary accommodations are also useful indicators in the quantity of affordable housing required, however it is acknowledged that affordable housing is only part of understanding development required.

It is less clear that the extent of the existing urban area provides a robust basis to assess development needs. In areas of economic/industrial decline, there may be an established urban area but a falling demand for development. Evidence on population and household projections alongside an indicator of affordability provide a more reliable basis to calculate future needs.

**Q9.**

**a. Do you agree that there should be automatic permission in principle for areas for substantial development (*Growth areas*) with faster routes for detailed consent?**

i. Yes

ii. **No**

iii. Not Sure

We object to this proposal as it would represent a fundamental change to the current and long-established approach of determining planning applications as a discrete process, whereby planning decisions are made in accordance with the policies of the development plan subject to any material considerations that may also contribute to the decision. Fundamental established elements of decision making (public representations on planning applications and the role of planning committees) would appear to be lost.

The weakening of public participation in the planning system is a significant concern. Removal of the rights of residents, businesses and democratically elected members to input meaningfully into the planning application process is a step backwards. The need to incorporate site-specific matters at the local plan stage would be a significant challenge to the local plan process. Absorbing planning application matters, including technical evidence bases and stakeholder engagement into the Local Plan process is likely to lengthen the time to prepare one, beyond the proposed 30-month timescale, rather than making the process faster. An increasing volume of material would need to be submitted to the local plan, making the process more complex rather than simpler.

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

i. Yes

ii. **No**

iii. Not Sure

As with many of the proposals within the White Paper, the consent route in *Renewal* areas is not entirely clear. It is proposed that there would be a general presumption in favour of development (it is presumed this applies only to development set out in the Local Plan). The White Paper talks about automatic consent for proposals that meet certain prior approval requirements. Recent experience of the prior approval system indicates that this becomes very close to a conventional planning application once all appropriate considerations are included. If the outcome of the White Paper proposals is to extend the prior approval process there is a danger that local planning authorities will see a reduction in fee income, limited reduction in workload and further reduction in the ability to secure infrastructure and other contributions required to mitigate schemes.

The White Paper clearly assumes this is a simpler process, but does not include details to explain why this is necessarily so. Finally, the White Paper suggests that in

Renewal areas, consent could be achieved through a faster planning application process with decisions made in light of local and national planning policies. Other than the word “faster”, is this not the current system? It is very apparent that the White Paper envisages dramatically different routes to planning consent, but it is very difficult to be clear what these routes are in practice, and why they are different. It is also unclear how local planning authorities will deal with areas or buildings they wish to protect in renewal area. Having sub-areas within renewal areas to reflect areas of protection would add another layer of complication to the consent regimes.

The proposals for consents in protected areas appear similar to the current planning application process, and therefore are considered reasonable. However, an important point is that in Protected areas there will often be opportunities for sustainable development, and such development may be essential to areas’ well-being. However, under the proposed changes to the planning system, the prospect of having to submit a planning application would be significantly less attractive compared to the consent routes proposed for Growth and Renewal areas. This could have the effect of deterring appropriate investment in Protected areas.

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

- i. Yes
- ii. **No**
- iii. Not Sure

No, new settlement(s) should continue to be brought forward through Local Plans. Decisions on meeting local housing and economic need should be taken at the local level which involve local decisions making and democratic processes.

**Q10. Do you agree with our proposals to make decision-making faster and more certain?**

- i. Yes
- ii. **No**
- iii. Not Sure

In principle, the ambition to create a simpler and more accessible planning system is supported and some proposals around standardising validation and submission requirements and the clarity of information required is welcome amongst the 10 districts of Greater Manchester. But there are concerns that setting maximum lengths for planning statements will oversimplify the issues on complex developments where a number of technical reports have been prepared. Also, the proposal to refund planning application fees if appeals are allowed is not supported because planning decisions are based on local policy frameworks, but it is often not an exact science and therefore there are occasions where the Planning Inspectorate and the Secretary of State can reach a different conclusion, however the resources for dealing with the application have already been spent by the local planning authority in good faith.

As outlined in our response to Question 9 that the proposals to simplify Local Plans would appear to complicate the process, it is difficult envisage how development management decisions would be made faster in practice. Also, there would be limited opportunities for stakeholders to engage with local plan

preparation at the submission stage (it appears the Regulation 18 stage would be lost in a new system). Therefore, proposals for major development in Growth Areas could be approved with limited community engagement and no involvement from the planning committee.

Key to the White Paper proposals for faster decision-making is a greater use of technology. The 10 districts of Greater Manchester make extensive use of technology to support their planning services, and the GMCA have MappingGM, a powerful GIS mapping platform. Nevertheless, it is important to note that better technology does not remove the need for effective engagement with local communities. Digital accessibility remains an issue for part of the population of GM and the digital proposals in the White Paper risk excluding people who cannot access digital services.

**Q11. Do you agree with our proposals for digitised, web-based Local Plans?**

- i. **Yes**
- ii. **No**
- iii. **Not Sure**

We support the use of digitised web-based Local Plans. As mentioned previously, the GMCA has developed a powerful GIS mapping platform, Mapping GM, which holds the Policies Map for the GMSF. There are a range of other maps available on the platform that bring together social, economic, environmental and infrastructure information into one place. Nevertheless, for Local Plans and planning to be truly digital there needs to be: investment in planning skills and resources; establishment of common national data schemas; and a competitive plantech market with a wider range of companies operating in it.

**Q12. Do you agree with our proposals for a 30 - month statutory timescale for the production of Local Plans?**

- i. **Yes**
- ii. **No**
- iii. **Not Sure**

It is very unlikely that a Local Plan could be produced in 30 months as proposed by the White Paper. The absorption of site-specific planning matters that are currently considered at the planning application stage into the Local Plan process will take a long time.

The emphasis that the White Paper proposals puts on speeding up the local plan process also risks compromising the quality of Local Plans; and meaningful and effective engagement with local stakeholders. The proposals appear to remove the current Regulation 18 stage of the local plan process - consulting on a draft plan. Our recent experience in producing the GMSF has proven that the Regulation 18 stage is where local communities are most engaged and are able to shape and influence plan making.

The White Paper suggests that 'best in class' engagement will take place in the first six months of plan preparation. However, at this early stage there would be no proposals to consider, it only appears to be an opportunity for people to submit proposals. Consequently, it would be difficult for local people to effectively engage with plan preparation. It appears that the only time local communities would have the opportunity to engage on an actual plan would be once it has been submitted for examination and managed through that process which would be overly formal

leaving communities with no sense of meaningful engagement to shape their local area.

We do not support the two alternative options under this proposal either as they appear to further reduce engagement and accountability by limiting access to the examination or removing this stage altogether.

**Q13.**

**a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

- i. Yes
- ii. No
- iii. Not Sure

We support the role of Neighbourhood Plans within the wider Local Plan framework, but their relationship to a reformed local plan process needs to be made clearer.

**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?**

No comments.

**Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

- i. Yes
- ii. No
- iii. Not Sure

No comments.

## **Pillar Two – Planning for Beautiful and Sustainable Places**

**Q15. What do you think about new development that has happened recently in your area?**

- i. Not sure / indifferent
- ii. Beautiful / well-designed,
- iii. \
- iv. Ugly / poorly designed
- v. There hasn't been any
- vi. Other (please specify)

**Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

- i. Less reliance on cars
- ii. More green / open spaces
- iii. Energy efficiency
- iv. More trees
- v. Other (please specify)

There is no 'one size fits all' approach when attaching priorities to new development so it is not possible to identify one or a couple of priorities in isolation. All the priorities listed are important but the weight of each will vary based on the unique circumstances of a particular development. Sustainability is wider than the priorities listed, it is also about place-making and people. Ultimately, the priorities are best



decided locally where local knowledge can inform a balanced view and bring about the best outcome for an area.

**Q17. Do you agree with our proposals for improving the production and use of design guides and codes?**

- i. Yes
- ii. No
- iii. **Not Sure**

Reiterating some of the points made by the districts of Greater Manchester in their individual responses to the consultation, design is very important for the conurbation and we have strong frameworks and guidance in place that have delivered high quality design reflecting local aesthetics and architectural styles. There are concerns that national design guides and codes might not reflect, or be flexible enough to reflect, local circumstances and risk creating blander neighbourhoods and stifling innovation.

**Q18. 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?**

- i. Yes
- ii. No
- iii. **Not Sure**

Reiterating some of the points made by the districts of Greater Manchester in their individual responses to the consultation, if there was more support, including resources, for local planning authorities to help build and shape better places, than that could be supported. However, this is on the basis that any national design body does not take away the local planning authority's ability to make decision on what type and design of development is appropriate for an area. It is noted that design expertise in local authorities has declined over recent years and so additional resources would be required within local authority planning teams to ensure that the chief officer is able to undertake their role effectively.

**Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

- i. **Yes**
- ii. No
- iii. Not Sure

Yes, as good design should be an objective for all organisations. The need to deliver net zero carbon homes and future proof development is a huge priority, especially when funded by public money. However, Homes England and The Treasury need to reflect the higher costs associated with net zero carbon in their grant rates, especially those associated with the affordable homes programme and the green book appraisal/benefit-cost-ratios operated by The Treasury

**Q20. Do you agree with our proposals for implementing a fast-track for beauty?**

- i. Yes
- ii. **No**

### iii. Not Sure

Reiterating some of the points made by the districts of Greater Manchester in their individual responses to the consultation, beauty is a broad term and is very subjective, it can also vary over time with changing trends and lifestyles. To secure beautiful places collaborative working is essential and which should not be time pressured, it requires careful analysis and understanding of a place, working up options and extensive consultation, this cannot be fast tracked. There is also concern that it could also diminish local control and flexibility. The White Paper mentions having masterplans prepared by the local authority, and design codes, which would require significant resource to implement as well as being time consuming. To prevent compromises in the design quality of development, design guidance should not be solely led by those promoting development given the importance the NPPF attaches to viability.

The proposals to widen the nature of permitted development is not supported as this can often lead to poor quality development and places. The proposed planning reforms contained within the White Paper and the expansion of Permitted Development rights are a significant concern in relation to fire safety in multi-storey multi-occupied buildings. Additional information on this point is contained in our covering letter.

#### **Proposals 15, 16, 17, and 18**

There are no consultation questions for proposals 15, 16, 17 and 18, therefore we have provided additional comments on these proposals below.

The proposals for a new planning system must fully integrate the ambitions of the 25 Year Environment Plan and the proposals in the Environment Bill including Local Nature Recovery Strategies and biodiversity net gain. Therefore, a Nature Recovery Network map, Local Nature Recovery Strategy and ecological assessments should form part of the Local Plan to ensure that nature and its recovery are central to decision. Biodiversity net gain should be a condition for all development and embedded into the various permission routes that the White Paper proposes.

A new planning system should continue to protect and enhance international, national and local designated sites, priority habitats and species. We draw your attention to a potential new designation, 'Wildbelt', which the Wildlife Trust and the Greater Manchester Natural Capital Group have proposed in their responses to the consultation to protect nature that is in recovery. 'Wildbelt' could work as a site level designation set within a Nature Recovery Network that is framed by a Nature Recovery Strategy. A site could be a habitat bank for the purposes of biodiversity netgain with minimum thresholds for a measurable netgain set out in national legislation.

We can see merit in the White Paper's proposals to consolidate and simplify environmental assessments of Local Plans. There appears to be a lot of overlap between the requirements of Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulation Assessment. However, it is important that simplifying the environmental assessment frameworks does not affect the quality of the assessment. Linked to this, the Wildlife Trust in their response to the consultation have outlined that there is a severe lack of environmental information to base

planning decisions on and urgent action is needed to address the: current gaps in ecological data to inform local plans and land category decisions; and the lack of assessment criteria, methodology and capacity to identify and protect ecological assets.

The White Paper states that the Government are reviewing the extent to which planning policies and processes for managing flood risk, including strengthened them along with developing a national framework of green infrastructure standards. We look forward to responding to these proposals once they have been considered in more detail.

At the end of Proposal 16, the White Paper states that a more detailed consultation about environmental protection and enhancement will be made in the autumn. We will look forward to responding to this when it takes place.

We welcome the commitments in the White Paper to improve environmental performance, including the suggestion that, from 2025, all new homes should be 'zero carbon ready'. Greater Manchester's Vision is to be at the forefront of action on climate change and to make its contribution to international commitments by becoming a carbon neutral city region by 2038. In acknowledgment of climate change, all 10 districts and the GMCA have declared a climate emergency. Nevertheless, it would be useful if the term 'zero carbon ready' could be defined as, through the GMSF, we are proposing that new development is 'net zero carbon' in the city region from 2028 in line with the UK GBC Framework Definition. The landscape in relation to the ability for Local Plan policies to set building standards above national building regulations has been unclear over the previous years with the Written Ministerial Statement (2015) and proposed amendments through the Deregulation Act. The National Planning Practice Guidance for Climate Change currently restricts the ability of LPAs to set policy requirements no greater than the now abolished Code for Sustainable Homes Level 4 (approx. 20% above current Building Regulations). We welcome the commitment within the White Paper to clarify this issue.

### **Pillar Three – Planning for Infrastructure and Connected Places**

#### **Q21. When new development happens in your area, what is your priority for what comes with it?**

- i.** More affordable housing
- ii.** More or better infrastructure (such as transport, schools, health)
- iii.** Design of new buildings
- iv.** More shops and/or employment space
- v.** Green space
- vi.** Don't know
- vii.** Other (please specify)

There is no 'one size fits all' approach when attaching priorities to new development so it is not possible to identify one or a couple of priorities in isolation. All the priorities listed are important but so are others such as truly affordable housing, which is a priority given the homelessness and housing crisis we are facing. The weight of each priority will vary based on the unique circumstances of a particular development. Ultimately, the priorities are best decided locally where local knowledge can inform a balanced view and bring about the best outcome for an area.

Within the current contributions regime, the local decision-making process is made more difficult as the values received regularly fall below those set out in policy. The contributions regime must be aligned to development impacts and local needs, rather than viability, to robustly deliver the priorities that accompany new development.

**Q22.**

**a. Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

i. Yes

ii. **No**

iii. Not Sure

It is acknowledged that, compared to the current regime, a new consolidated Infrastructure Levy has potential to provide a simpler process and more clarity for both developers and local authorities. However, the setting of thresholds, if set nationally for example, could exacerbate further the disparities that exist in s106 and CIL value capture around the country, and this would be fundamentally at odds with the Government's pledge to 'level-up'. Areas with stronger markets will generally capture greater values whereas areas with the greatest need will receive proportionally far less, with some areas even receiving nothing (as stated in the proposals). Mitigating the impact of new development in lower value areas will become more difficult which would likely lead to less trust in the planning system to deliver the infrastructure required. This could also have a significant impact on delivering affordable housing, particularly social rented properties which are largely funded through s106. Any reforms to infrastructure funding require a overhauling of the Treasury's green book appraisal and associated benefit-cost-ratio and a move away from reliance on land value uplift.

**b. Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

i. Nationally at a single rate

ii. Nationally at an area-specific rate

iii. **Locally**

Greater Manchester is clear that any rate should be set locally to align with local markets. Setting a single rate, either national or area-specific, appears to be a rigid approach that would not capture the variation in market challenges across different scales of geographies, as evidenced by the case of Greater Manchester. For example, under the current CIL system, Trafford is the only one of the ten districts to operate a CIL charging system. Although it is a relatively "buoyant" district within GM, even Trafford has a geographically variable charging rate with much of the district unable to secure more than £0 per sq m for any development. With s106, all ten local planning authorities operate varying regimes with multiple charging rates across their specific areas, exemplified with Trafford and Stockport that have a number of geographically different affordable housing targets.

**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?**

- i. Same amount overall
- ii. More value**
- iii. Less value
- iv. Not sure

More value should be captured to support investment infrastructure, affordable housing and local communities. But if same amount overall was the case, no leeway should be given in respect of viability issues, as happens with the s106 regime.

Any proposals need to be developed in partnership with local communities and the local development industry.

**d. Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

- i. Yes**
- ii. No
- iii. Not Sure

Borrowing against the Infrastructure Levy is essential if local authorities are to adequately support the delivery of infrastructure when required. But paying the Levy upon occupation rather than commencement of development, would stifle the infrastructure being provided alongside development, and introduce greater risk for borrowing. Overall, the proposals do not encourage local authorities to invest in infrastructure upfront as there is a risk they would be out of pocket if development does not end up being delivered. The Infrastructure Levy alone will never be sufficient to support the infrastructure demands of new development. Local authorities need access to a range of affordable finance, for example the Public Works and Loans Board, and also need to be able to share in the development value uplift more fairly.

**Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

- i. Yes**
- ii. No
- iii. Not Sure

The impacts of all development, whether brought about through permitted development rights or a general planning permission, should be treated similarly. But this consideration could be incorporated into the existing regimes, not just a reformed Infrastructure Levy.

Any reforms to the current system or the introduction of a new system needs to be supported by the necessary resources at the local level to administer the systems

**Q24.**

**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?**

**i. Yes**

**ii. No**

**iii. Not Sure**

The aim should be to secure more affordable housing than the current planning system manages to do. The level of affordable homes must be calculated in line with the needs of a local area and should not normally be reduced through negotiations. Adopting this approach would see an increase in affordable homes.

**b. Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

**i. Yes**

**ii. No**

**iii. Not Sure**

The planning system should secure delivery of affordable housing, either through public investment or development contributions, but this should never be to the detriment of the delivery of other important infrastructure required to support development. Under the current planning system, viability assessments are used to determine local plan policy requirements in relation to affordable housing. However, they are then used again by applicants at the planning application stage to determine the final contribution(s) received by local authorities meaning areas with better markets receive more public investment. The White Paper proposals further embeds this approach.

Local authorities should have freedom to choose the most appropriate way to secure affordable housing. An in-kind payment, like that which operates under s106, could potentially provide a simple and more effective process for affordable housing delivery.

**c. If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

**i. Yes**

**ii. No**

**iii. Not Sure**

Mitigation is important as the risk of overpayment will build uncertainty into the system, something which the White Paper proposals are aiming to remove from the planning system. Dealing with overpayment would be a burden to local authorities and developers.

The prospect of local authorities releasing affordable homes to become market housing is strongly opposed. It is imperative we maximise the quantity of new affordable homes built (and retained as such).

**d. If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**

- i. Yes**
- ii. No**
- iii. Not Sure**

To prevent overpayment a review mechanism would be useful as this would ensure infrastructure does not become underfunded.

Where affordable housing is provided in-kind through new developments, we accept the Government's proposal that there should be a financial contribution to match any shortfall in quality that becomes apparent when the units are sold to a Registered Provider.

Also, in-kind housing should be covered by the same guarantees as market housing i.e. developer covers the costs for any defects.

#### **Q25.**

**Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

- i. Yes**
- ii. No**
- iii. Not Sure**

Fewer restrictions will allow local authorities to be flexible when spending, but it is possible that important factors such as housing and infrastructure will require safeguarding. This consideration could form part of the existing regimes as well as a reformed Infrastructure Levy.

The issue with the current contributions regime is not freedom, it is the values received. The White Paper proposals will uphold this system where the most viable areas receive the most public investment – this appears to directly contradict the Government's stated ambition to 'level up' the country. Therefore, a more holistic review is needed that considers the contributions regime as part of overarching local funding arrangements.

The ability to review regularly the way the infrastructure levy is spent needs to be retained if CIL is to be replaced and not revert to cumbersome procedures such as those contained in the original CIL Regulation 123.

In relation to S106 contributions, there should be no limit on the number of schemes that can contribute to any one piece of infrastructure. This can limit an LPAs ability to secure the right infrastructure at the right time.

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

- i. Yes**
- ii. No**
- iii. Not Sure**

Affordable housing is fundamental for addressing housing need and is a key part of sustainable communities but, ultimately, any 'ring-fence' should be decided by local

authorities as they have the necessary local knowledge to make informed choices. A preordained ring-fence for a given specific policy area could complicate how local authorities reflect local priorities in decision making. Notwithstanding this, the Government must also play a central role in solving the housing and homelessness crisis through building social rented homes, especially on land under their ownership.

**Q26. 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?**

- i. Yes
- ii. No
- iii. Not Sure

The proposals to reduce public participation in the planning process overall will impact on all sections of the community, including those with protected characteristics. The increased emphasis on digital methods of communication could disadvantage older people and others who may not be digitally enabled.

**Additional comments**

There is no question for Proposal 23 which proposes that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local tax payer. We are wholly supportive of the proposals that Chief Planning Officers should be members of the senior management teams of local authorities and that local planning departments need to have the right people with the right skills and resources to implement the reforms. It is acknowledged spending per person is down 60% since 2010 and that there are shortages in some specialist areas.

We are very concerned that the funding model for the whole planning system (development management and local plans) appears to be through the 'beneficiaries of planning gain' rather than through national and local taxation. As the White Paper says, the aim of the reforms is to 'free up planners to focus on what they were trained for – creating great communities'. This is a clear example of a 'public good' which should be properly funded by national and local government, but the proposal that this should be funded through a cost recovery model ( which currently doesn't cover the costs of the development management process never mind preparation of local plans) will disadvantage those areas (including Greater Manchester ) where values are low and value capture through the planning system patchy. The funding gap is likely to be exacerbated if streamlining the planning application process reduces the number of planning applications received.