

Consultation on the Planning White Paper

Association of Directors of Public Health London response, October 2020

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About this response

This response is from the Association of Directors of Public Health (ADPH) for London, which represents Directors of Public Health (DsPH) in London's 33 Local Authorities and supports them to improve and protect the health of their local populations. ADPH London brings together DsPH and their teams to work together to address issues which can either only be successfully tackled on a pan-London basis and/or which enhance the ability of Boroughs to meet their responsibilities locally, for example through delivering efficiencies, sharing of best practice, reducing duplication, and improving coordination of related work.

Further information on ADPH London, including current priorities, is available online here: <http://adph.org.uk/networks/london/>

This response represents the professional collective response of Directors of Public Health in London local government. At a local level, individual Boroughs will submit their own responses to the consultation.

ADPH London welcomes the opportunity to comment on the Planning White Paper. Our response does not attempt to provide a comprehensive public health response, but rather pulls together our thoughts on how the proposed changes to the planning regime can most effectively:

- Improve public health outcomes in London
- Assist councils in developing high value approaches to support their residents' health and wellbeing
- Reduce demand on health and social care services



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A.Introduction: ADPH London’s overarching approach to planning

ADPH London welcomes this opportunity to comment on the proposals set out in the Planning White Paper and present the views of its members in response to the changes that government proposes.

ADPH London is grateful to colleagues for responding to its request for their views on this consultation, at a time when public health colleagues in all London Boroughs are engaged in responding to the Covid-19 pandemic and have advised that they have limited capacity to engage on other issues. In that respect, the timing of the consultation is untimely given that some questions are specific to the borough level (e.g. question 4) and would have benefited from wider engagement than is possible at this time, given the need to focus on the pandemic response. We hope that the government will consider engaging with London Borough public health teams as the planning reform progresses.

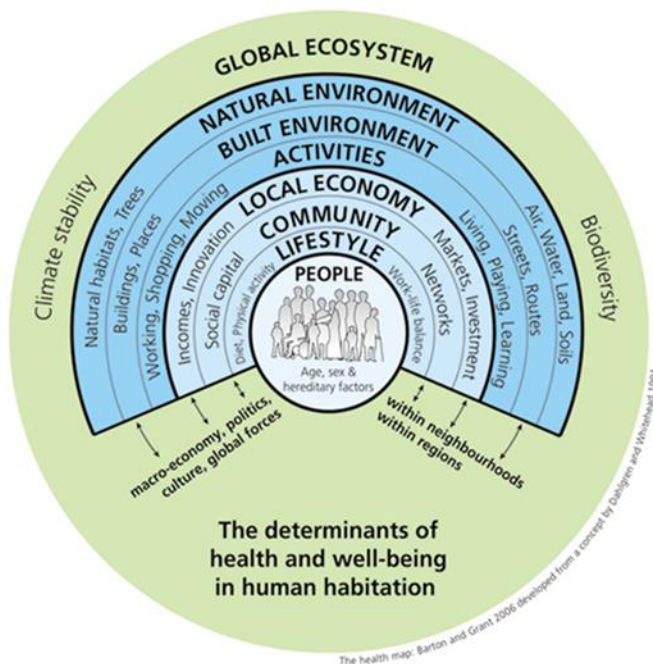
For ADPH London health is “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”¹.

We are not responding on behalf of health and social care providers, nor the NHS, but we see planning very much as part of the health prevention agenda, developed through spatial interventions by local planning authorities in collaboration with local Directors of Public Health and their teams.

- **The living environment has a major impact on health and wellbeing**

Our response is, of course, focussed on the experience, needs and priorities of Boroughs across London. It is based on the strength of an international evidence base that shows that the place where we live, work and play can have a direct and major impact on our health and wellbeing.

The health map below summarises this approach:



- **Planning is a key instrument to shape the built environment to the benefit of the majority².**

Planning manages socio-economic and environmental complexity by:

1. Responding to human spatial needs through the regulation of land development and harnessing local knowledge on the way
2. Protecting people from environmental risk factors to their health
3. Contributing to action on climate change and promoting biodiversity
4. Supporting healthier and environmentally sustainable choices by consumers and residents and contributes to economic prosperity.
5. Contributing to a preventive agenda and reducing the burden of ill health and the associated costs to the NHS.

- **Public health has been strongly encouraged by government policy to deliver the healthy community agenda with planners since 2012**

The 2012 Health and Social Care Act and planning reforms have both recognised the role of the built environment as a wider determinant of health and the importance of local health teams engaging with their planning colleagues at strategic or development management levels. For instance, the National Planning Policy Framework, has placed **healthy communities** at the heart of the planning process (Section 8: Promoting healthy and safe communities of NPPF 2019 version). Since 2012, London public health teams have developed institutional and policy links with their planning colleagues, bringing public health evidence to the fore in local plans, developing spatial strategies, or development management policies.

ADPH London believes that any reform of the planning regime must consider how best to enhance these functions.

B. Key messages on the White Paper

Before we delve into individual response, here are our key messages on the White Paper followed by recommendations. [Our responses and recommendations](#) are intended to be constructive, highlighting implications that may not have been fully considered to date, or which benefit from the expertise that resides in Local Authority Public Health teams. *If any aspect of this response would benefit from further discussion, ADPH London would, of course, be very willing to engage with ministers or officials to assist to develop any further iterations of the changes set out in the White Paper on behalf of Public Health teams across London.*

In some places, further information would be welcomed better to understand the import of the proposed changes and to allow more detailed response, e.g. Question 7(b): ‘How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?’ covers several areas that are not easily addressed without further definition, explanation and discussion.

1. The proposed reform advocates increasing central government control over local planning issues and therefore reducing opportunities for Public Health insight, evidence, data (through the joint strategic needs assessments and health and wellbeing strategies) to inform local planning strategies and decisions.

- a. The proposal for local design codes might offer an opportunity for public health better to engage with the planning process. There is, however, uncertainty on how local design standards could be enforced given the creation of ‘growth areas’ which would be subject to relatively less scrutiny compared to the status quo.
- b. Local plan policies are currently addressing local needs and guide development, so it is unclear how a reformed National Planning Policy Framework, setting all development management policies, could be sufficiently and appropriately responsive to specific circumstances and the needs of our local population or particular groups within it who may be affected.
- c. The proposed reforms appear likely to reduce the ability of Local Authorities to identify the right types of homes and tenures and, crucially, the right home standards for their localities, thus appearing to risk further negative impacts on mental and physical health.
- d. Zoning reduces the ability of planners to collaborate with public health specialists to ‘place shape’ and create neighbourhoods and communities strategically, thus reducing the planning system’s key focus on housing delivery.
- e. At the same time, automatic permissions in growth and renewal areas would encourage the use of Permitted Development Rights which, according to case study research can frequently deliver poor quality development in unsuitable locations.

2. It is not clear how the proposed reform facilitates community engagement in local planning strategies and decisions.

We are concerned that resident engagement could be undermined by the proposed changes through:

- a. Digital disenfranchisement and not engaging with the hard to reach.

- b. Taking decisions away from the Local Planning Authority and reducing the opportunities for the public to consider the local health impact of a development, raise concerns they may have at the time the masterplanning takes place.

3. The White Paper is unclear on what financial, social or environmental mechanisms will be in place to ensure the delivery of Infrastructure Planning is more effective than the current system – further clarity on, or the opportunity to discuss, this would be welcomed.

Our view is that:

- a. Local Authorities should be guaranteed sufficient funding to deliver at least the same amount of affordable housing.
- b. The new levy must be formally linked to meeting local health and social care needs.
- c. A situation must be avoided whereby affordable housing was in competition with a wide range of infrastructure priorities, therefore reducing the ability of Boroughs to address pressing housing needs, especially in overcrowded and high-density inner-city Boroughs.

A clearer explanation would be welcomed as to how links between planning and transport planning will operate should the proposed reforms be implemented in full.

There are interactions between the built environment and the quality of health which require policy integration between urban and transport planning, as well as green space policies. A holistic approach to the delivery of each offers opportunities to improve health and wellbeing, including mental health. Achieving a successful balance can help to protect the most vulnerable groups in society, ensuring that development offers benefits to the local community, rather than being ‘done to’ a neighbourhood, and being seen as distinctly inequitable.

4. Healthy and sustainable developments are at risk if proposed reforms focus primarily on speeding up the delivery of homes without maintaining local scrutiny over quality and being a response to needs.

These proposed reforms do not appear to offer market solutions to the issue of poor housing quality nor its slow delivery.

- a. Housing delivery is linked to an opening up of the housing sector which would also increase competition and might drive quality upwards.
- b. The reforms would reduce the ability of local planning authorities, embedded in their localities and understanding their needs, constraints and pressures, to weigh up different aspects of sustainable development that could protect environmental standards, with the consequent risk of increased exposure and poor health outcomes. For example, a presumption that ‘substantial development’ be allowed in Growth areas, or even ‘gentle densification and infill of residential areas’ in Renewal areas would significantly reduce the opportunity for local planning authorities to consider the specific impact of a given development in its unique local context. Decisions may be pushed through that provide new housing developments, which become blighted and identified as the progeny of an inadequately robust analysis of what the area needs. In this scenario, it is possible that central government would receive criticism for

allowing reform to drive decisions that needed greater scrutiny at root to produce sustainable and successful outcomes in the longer term.

- c. London Boroughs have responded strongly to the climate emergency, adopting planning policies that deliver low carbon development. The reform might reduce their ability to maintain this focus going forwards in the absence of local scrutiny driven by a strategy that understands the immediate geographic and socio-economic context in great detail.

5. The Covid-19 crisis, or the risk of a similar future pandemic, has not obviously informed the proposed reforms.

Changes to the planning system could create uncertainty at a time where the long term economic, social and spatial impacts of Covid-19 are still emerging.

The impact of Covid-19 will be long lasting and will affect the way business is conducted, in ways as yet unclear. Public Health professionals, academics and other sector experts are exploring the association between inequalities in housing conditions and a greater risk of exposure to Covid-19. Overcrowding, shared facilities, multi-generational households and some types of housing (e.g. tower blocks) are causing challenges in maintaining social distancing and self-isolation. Hence the Covid-19 crisis has wider implications for land use in cities (homes, offices, green infrastructures). Key drivers of spatial change in London, and indeed in all urban areas, need to be understood before reforming a key driver of development in our cities³.

C.Summary of recommendations

Each question and recommendation in the table below is hyperlinked to our more detailed response.

#	Question	ADPH London recommendations (R)
1	What three words do you associate most with the planning system in England?	R1: The reform of the English planning system must ensure that planning remains an instrument of place-shaping, quality and community building.
2	Do you get involved with planning decisions in your local area?	R2: The planning reform must formalise the statutory ability of public health teams to collaborate with planning colleagues to identify housing and other planning needs, formulate policy, evaluate the impact of development on health to ensure planning delivers multiple health outcomes.
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?	R3: Public engagement/consultation should not be reduced, rather they should be increased and made more accessible. The White Paper offers an opportunity to ensure consultation standards on plans and planning decisions are improved to reach out to communities. Developers should be required to abide by the Gunning principles to ensure meaningful and timely consultation.
4	What are your top three priorities for planning in your local area?	R4: It is critical that the reform of planning imposes strict quality standards on housing and green infrastructure design in view of their impact on health. R5: The reform of planning must learn from the Covid-19 crisis which has increased inequality by where people live.

#	Question	ADPH London recommendations (R)
5	Do you agree that Local Plans should be simplified in line with our proposals?	<p>R6: The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) should be clear about the role of local planning authorities and the designation criteria for zones in local plans.</p> <p>R7: If zoning is retained in the White Paper, then a set of clear healthy communities' standards must be identified, benchmarking the relationship between place and people in each of the three zones created. The NPPF will need to give a clear definition of technical matters.</p> <p>R8: 'Beauty' does not offer an overarching framework for delivering health through quality design. It can be used as criteria of quality BUT only alongside other quality criteria at building, street or neighbourhood levels (e.g. size standards, accessibility, walkability, provision of public amenities, play space, etc.)</p>
6	Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?	<p>R9: The NPPF should set national standards for planners to protect health and the environment from inappropriate developments. The NPPF should also allow local planning authorities to adjust standards to meet local circumstances.</p> <p>R10: The use of Health Impact Assessment should be further formalised at national level to meet the ambition of planning reform to ensure communities are consulted more effectively in planning decisions.</p> <p>R11: A reform of housing delivery cannot be achieved through a reform of planning policy itself. We urge government to find policy instruments to open up the construction sector to speed up the pace of home delivery.</p>
7a	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?	<p>R12: We suggest that the government provides more information on their <i>sustainable development test</i>, in particular how the new system would safeguard sustainability as effectively as the current soundness test and the deletion of the duty to cooperate.</p> <p>R13: We urge the government to explore the development of a streamlined assessment method which would give health a central role in its analysis of the impact of development.</p>
7b	How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?	<p>R14: A London-wide approach and plan is needed to assess and address London housing needs as well as accompanying infrastructure needs.</p> <p>R15: The planning reform must ensure that a number of national and local bodies are consulted when designing London strategic planning arrangements in order to address cross-sector and cross-boundary issues.</p>
8a	Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?	R15: A standard method for establishing housing requirements must take into account health equity and must be based on an evidence-based analysis of local needs.
8b	Do you agree that affordability and the extent of existing urban areas are appropriate indicators	R16: Targets for housing requirements must be based on an analysis of local needs and tests must include affordability and priority use of brownfield sites.

#	Question	ADPH London recommendations (R)
	of the quantity of development to be accommodated?	
9a	Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?	R17: Growth areas have significant complex issues, regardless of the scale of development, which will benefit from being subject to the scrutiny equivalent to the current planning process with a strengthened plan-led system and clear development management policies in the NPPF.
9b	Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?	R18: Renewal areas have significant complex issues, regardless of the scale of development, which will benefit from being subject to the scrutiny equivalent to the current planning process with a strengthened plan-led system and clear development management policies in the NPPF.
9c	Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?	R19: A change in regime for new settlements, and centralisation of planning process must not be used to diminish the role of local democracy and scrutiny.
10	Do you agree with our proposals to make decision-making faster and more certain?	R20: The planning reform needs to offer mechanisms to inform people beyond relying on a digital proposal. R21: The planning reform must not undermine local democracy and scrutiny over development. Faster and more certain decision-making is ensured through clarity in standards. This allows that fast and certain decision-making respects democracy and equity.
11	Do you agree with our proposals for accessible, web-based Local Plans?	R22: Local Plans should engage effectively with digitally excluded groups and make use of existing community health networks to improve community participation throughout the planning process.
12-13	No response	No response
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?	R23: If more phases of a same site can be built at the same time, consideration of their health impact at neighbourhood /combined scale must remain.
15	What do you think about the design of new development that has happened recently in your area?	R24: The reformed planning system must address place inequalities.
16	Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?	R25: The White Paper must ensure Local Plans and Boroughs' ability to influence individual development proposals and the degree to which they meet low carbon targets if standards are reduced and environment assessment streamlined. R26: We urge the government to ensure that nationally prescribed targets do not restrict the more ambitious targets set by some Boroughs.
17	Do you agree with our proposals for improving the production and use of design guides and codes?	R27: If local design codes are to be adopted, the NPPF and PPG would need to ensure they offer a clear set of statutory links between reserved/technical matters and local design codes.

#	Question	ADPH London recommendations (R)
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?	<p>R28: A new body to support better places must have clear terms of reference that include:</p> <ol style="list-style-type: none"> 1. Defining 'better' by a list of clear criteria, 2. Engaging practice and research and 3. Establishing a balance between local and national voices as well as 'market actors'. <p>R29: The NPPF needs to clarify the powers of the Chief Officer for design and Place Making</p>
19	Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?	R30: Quality must be given more emphasis in the design of new affordable homes. Tests must include how to achieve low carbon development as well as health of residents.
20	Do you agree with our proposals for implementing a fast-track for beauty?	<p>See recommendations in questions 5 and 19.</p> <p>R31: Permitted Development Rights should not be extended until standards are set to ensure they deliver quality housing and contribute to healthy outcomes for residents.</p>
21	When new development happens in your area, what is your priority for what comes with it?	No recommendations – issues covered in other recommendations
22a	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?	<p>R32: We advocate retaining the link between the relative impact of a development and the value of the Infrastructure Levy, so that the latter is scaled to mitigating the 'harm' (in planning terms) of the development.</p> <p>R33: Linking the form of any Levy to the direct and specific impact of a development is a more transparent way of evaluating how to offset that impact. Replacing s106 and/or CIL with a new Infrastructure Levy is not an issue if this link is maintained.</p> <p>R34: Payments should not be made at the point of occupation of a development, as this risks preventing planning authorities from providing infrastructure that may complement the development, and/or mitigate its impact by the point at which it is completed, not sequentially.</p>
22b	Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?	R35: If the Infrastructure Levy does replace the existing s106/CIL regime, the value of the levy should continue to be set locally, with Local Authorities setting out their reasons for the rate (or, more likely, scale of rates) applied.
22c	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?	R36: Increasing the value of planning gain would be welcomed if its distribution remained largely determined at local level.
22d	Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?	R37: We would encourage ministers not to introduce a system of borrowing against the Infrastructure Levy, as its risks outweigh any perceived benefits in our view.

#	Question	ADPH London recommendations (R)
		R38: We advocate retaining the current regime of agreements being entered into at the point of planning approval to release funds for infrastructure investment ahead of the development's completion.
23	Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?	No specific recommendation.
24	No response	No response
25	Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?	R39: ADPH London supports fewer restrictions over how Local Authorities could spend the Infrastructure Levy, or whatever other form of planning gain payments were used in future. Local Authorities would still be held to account for how it utilised this funding, which would be demonstrated through its own strategic vision for investment within its area, and clear prioritisation.
25a	If yes, should an affordable housing 'ring-fence' be developed?	R40: ADPH London supports ring-fencing for affordable housing, as a principle, if it can be determined at local level in response to the geospatial analysis a Local Authority is best placed to undertake. R41: We would encourage government to consider whether other areas of significant importance and value, in particular Public Health, could also benefit from a degree of hypothecation.
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?	R42: We urge the government to conduct an Equalities Impact Assessment which compares the impact of the government's proposals with maintaining the current system.

D. Detailed responses to The White Paper questions

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

Response: Place-shaping, Quality, Community building.

Explanation: Local Authority planners are key gatekeepers for **place-shaping**, balancing the interests of private land developers, communities and the public sector, ensuring **quality** in housing and infrastructure delivery and are also critical in shaping an urban environment that supports **community building**, ensuring communities have easy access to the right level of amenities and services, including green and social infrastructure.

In England, the more deprived the neighbourhood, the higher the incidence of human exposure to various environmental health risks including air, soil or water pollution,

flooding, road accidents and lack of access to green infrastructure⁴. The 2020 Marmot review⁵ also found that health inequalities have continued to increase in England.

Recommendation:

1. **The reform of the English planning system must ensure that planning remains an instrument of place-shaping, quality and community building.**

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

Response: Yes. Since the 2012 Health and Social Care reform and the 2012 planning reform, London Boroughs' public health teams overseen by Directors of Public Health (DPH) have worked closely with planning colleagues to develop the local place agenda and to assess the impact of new developments.

Explanation: The planning process has a significant impact upon health outcomes. Here is how public health contributes to planning policies and decisions:

1. Modelling demographics and health trends,
2. Identifying local health needs and analysing causality between the shape of urban development and health to support the development of local plan policies regulating new developments (e.g. policies tackling high levels of air pollution, lower standards of housing, overcrowding, limiting number of fast food outlets and gambling outlets, lower expanse of green spaces).
3. Contributing to development of health impact assessment policies (e.g. policy D.SG3 at Tower Hamlets).
4. Contributing expert comments to development management officers on specific planning applications.
5. Advice on how to offset the impact of development through planning gain.

Recommendation:

1. **The planning reform must formalise the statutory ability of public health teams to collaborate with planning colleagues to identify housing and other planning needs, formulate policy, evaluate the impact of development on health to ensure planning delivers multiple health outcomes.**

Question 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?

Response: The range of media needs to remain extensive to ensure equitable access for all communities. The options to learn about a planning proposal should increase and become more accessible. The reform can help further identify ways to reach out to the voiceless, empowering them to give their perspective on how new developments will change their neighbourhoods and community. But more information is needed on the methods identified by government.

It is also important that communities in London Boroughs can “find out about plans and planning proposals” early in the decision-making process so they have an opportunity to contribute meaningfully to planning decisions.

Explanation: London Boroughs abide by the Gunning Principles for their own Local Plan consultation exercises. The private sector should be expected to apply similar high standards for their consultation on development proposals. This includes:

1. Consultation must be at a time when proposals are still at a formative stage: a final decision on a development scheme has not yet been made or predetermined by the applicants.
2. There is sufficient information to give “intelligent consideration”: the information provided by the applicants on the scheme must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
3. Adequate time must be given for consideration and response: there must be sufficient opportunity for consultees to participate in the consultation.
4. The product of consultation must be conscientiously taken into account when finalising the decision: those conducting the HIA and applicants should be able to provide evidence that they took consultation responses into account in their HIA.

By observing these principles, developers will be able to demonstrate their commitment to best consultation practice and meet the White Paper’s ambition to reach out to communities in planning.

Recommendations:

1. **Public engagement/consultation should not be reduced, rather they should be increased and made more accessible. The White Paper offers an opportunity to ensure consultation standards on plans and planning decisions are improved to reach out to communities.**
2. **Developers should be required to abide by the Gunning principles to ensure meaningful and timely consultation.**

Question 4: What are your top three priorities for planning in your local area?

Response: The top three priorities of ADPH London for planning in London are:

1. Delivering affordable quality housing for the life course
2. Improving access to open spaces
3. Ensuring that Local Planning Authorities can manage development to meet the needs of their local areas.

Explanation:

1. **Delivering affordable quality housing for the life course:** this is a priority given the affordability and quality of affordable homes is such a major issue in London Boroughs. Demographic, economic and social trends also need to be considered in setting housing standards: homes need to be adaptable for home working and the long-term impact of Covid-19, as well as meeting the needs of an ageing population. Desktop literature review for the London Covid-19 Scientific and Technical Advice Cell (STAC) has identified that some types of housing are already associated with

an increased risk of spreading Covid-19, as they make it more difficult for residents to self-isolate or adhere to social distancing. Overcrowding is a particular issue.

Affordable homes also need to be resilient to climate change, but quality standards must consider the health evidence base. The effort to make homes more energy efficient has led to unintended negative impact on health through lack of appropriate ventilation in homes, leading to mould and increased levels of indoor air pollution. Homes must promote health and wellbeing as well as reduce carbon emissions. This requires planning standards (which aim to create healthy communities) and building regulations (which have tended to focus on environmental health and climate action) to be more closely aligned.

- 2. Improving Access to open spaces:** the link between physical and mental health and access to open spaces has been convincingly made in the literature⁶. The Covid-19 pandemic has reinforced the importance of access to nature for the urban population. London is a densely urbanised city and some inner-city Boroughs have relatively limited green space. London has had a green grid strategy for several years now (e.g. All London Green Grid SPD 2012). The White Paper offers the opportunity to require developers to contribute to green infrastructure, through levy contributions or innovative integrated design (e.g. pocket parks, green roofs, Sustainable Urban Drainage, green walls etc.). Benchmark tools have been developed such as Transport for London's healthy streets or the Building with Nature's criteria, drawing from research evidence and good practice, which developers from private and public sectors could use to improve the quality of their open space and access to them.
- 3. Ensuring that Local Planning Authorities can manage development to meet the needs of their local areas:** London Borough planning teams are best placed to identify spatial priorities based on a local evidence base of health and wellbeing needs and following consultation and engagement with local communities. Boroughs have developed the digital mapping of needs that planners and those involved in the development process can use.

For instance, housing insecurity is a key concern across London so Boroughs must be able to set the rate of affordable homes in new developments and infrastructure requirements. Furthermore, London has had a negative experience of Permitted Developments Rights (PDR) which have, according to research commissioned by RICS and MHCLG⁷ created sub-standard homes in unsuitable locations (with no requirement for affordable homes) with a negative impact on the health and wellbeing of residents of these schemes. Such developments include:

- 'Studio' flats just 15 or 16m² in area (and an overall rate of just 30% meeting national space standards).
- No access to private or communal amenity space.
- Buildings with poorly implemented and/or inadequate alterations when converted from office to residential use. This is of even greater concern at this time given the potential impact of the Covid-19 pandemic on the demand for office accommodation, which may result in swift, substandard conversions to residential use.
- Residential developments in the middle of industrial estates, with little access to green space and poor air quality.

At present, up to half⁸ of homes are delivered through Permission in Principle (PIP) / PDR in some areas. Extending the use of PDR risks compounding the issues already afflicting these areas, and their residents.

In addition, most PDR schemes avoid making any planning contribution at all, being not liable to section 106 and frequently not subject to CIL. This development has undermined the role of Boroughs.

Recommendations:

1. **It is critical that the reform of planning imposes strict quality standards on housing and green infrastructure design in view of their impact on health.**
2. **The reform of planning must learn from the Covid-19 crisis which has increased inequality by where people live.**

Question 5: Do you agree that Local Plans should be simplified in line with our proposals?

Response: We do not agree with any 'simplification' of Local Plans which reduces the ability of London Boroughs to develop strategic land use plans in the long term, and the ability of local planning authorities to scrutinise new developments at the time they are sought. Local Planning Authorities must retain the ability to negotiate with developers at the time permission is sought so that the developments meet local needs. The Covid-19 crisis has shown how needs can change quickly but also in the long term.

Explanation: The White Paper proposes implementing a zoning mechanism and that major development sites identified in the Local Plan for substantive development should receive de facto 'permission in principle', with only 'technical matters' decided subsequently.

1. **Zoning and local democracy:** This proposal aims at speeding up the building of housing but removes the ability of the Local Authority to scrutinise that proposal in a wider context at the time it is brought forward. Local planning authorities should retain the ability to negotiate with developers, taking into account the local evidence base on health-related needs linked to place shaping at the time permission is sought. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) should be clear about the role of local planning authorities and the designation criteria in local plans.
2. **Zoning and health standards:** If zoning is retained in the White Paper, then a set of clear healthy communities' standards must be identified, benchmarking the relationship between place and people in each of the three zones created. Zoning must consider the environmental and health risk factors linked to commercial and industrial areas (noise, air quality, odour and dust etc.) if residential developments are to be allowed in these areas. Health Impact Assessments, based on a set of agreed criteria, could be used for instance to identify how zones can respond to local health needs. It is essential to ensure health inequalities are not exacerbated through zoning as it may potentially impact more on poorer and vulnerable groups.
3. **Zoning and technical matters:** At development management level, the definition of what constitutes a 'technical matter' is unclear. The White Paper sets out new

proposals for the build-up of affordable housing tenures, but it does not set out design standards, besides a loose reference to improving ‘beauty’ (and a proposal to provide design guidance in due course).

The provision of public amenity is equally significant, and it is not clear whether this will be confined to ‘technical matters’, once a headline decision to agree a development in principle has taken place. It is not clear, therefore, that the increase in pace that the White Paper purports to seek will be forthcoming if the decision on pertinent and essential detail still needs to be decided on at development management level. Pace in that context can therefore only be achieved in that framework by reducing the degree to which local planning authorities can scrutinise and seek amendment to unsuitable development proposals.

This causes concern, as quality cannot be guaranteed without scrutiny, and quality is as much about the provision of amenities that support residential development (e.g. public transport, health centres, and private such as retail provision) as it is about the aesthetics of a given dwelling in a given development. It is unclear whether local planning authorities will have sufficient influence over the quality of health achievable through a given building design and layout in this new planning framework. Once agreement in principle has had to be given to a development, as we understand would have to be the case if the White Paper’s reforms are implemented as described, then the leverage of a Local Authority to insist on better quality is diminished.

4. **Zoning as a tool for housing delivery:** Altogether, the White Paper proposals are heavily focused on increasing the quantum of housing delivery. We are therefore concerned that housing could become the main focus of Local Plans, crowding out other important local issues, for example, social, economic and environmental concerns, including policies to fulfil local climate change targets. ADPH London supports an increased in affordable housing delivery, but we are concerned that the White Paper diminishes the importance of other issues important to Boroughs and relevant to the wider role the planning system plays in balancing competing demands.

Recommendations:

1. **The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) should be clear about the role of local planning authorities and the designation criteria for zones in local plans.**
2. **If zoning is retained in the White Paper, then a set of clear healthy communities’ standards must be identified, benchmarking the relationship between place and people in each of the three zones created. The NPPF will need to give a clear definition of technical matters.**
3. **Beauty does not offer an overarching framework for delivering health through quality design. It can be used as criteria of quality BUT only alongside other quality criteria at building, street or neighbourhood levels (e.g. size standards, accessibility, walkability, provision of public amenities, playspace, etc.)**

Question 6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Response: We support the strengthening of the NPPF, in particular identifying clear mechanisms empowering local planning authorities to deliver the healthy communities agenda of the current NPPF (para. 91-92b, NPPF, 2019), setting national standards for planners to protect health and the environment from inappropriate developments. The public health evidence base can help provide general design/management standards applicable nationally, assisting national standards to level up, rather than achieve only the lowest common denominator. Several national organisations have developed healthy planning principles that can be adapted to suit Boroughs' circumstances.

Explanation:

1. **Planning standards:** Public Health England, Sports England, Design Council, Town Country Planning Association (TCPA) and other organisations have formulated healthy planning principles based on a review of the evidence base.

We suggest, however, that these standards may need to be adjusted to reflect local circumstances. In particular, ADPH London would encourage the use of benchmarking tools such as healthy streets, BREEAM communities, or building with nature in HIA processes, rather than simply applying generic 'one size fits all' national principles. A 'general' approach in the NPPF would need multiple qualifications to make it applicable to a London borough, urban conurbations in the midlands/NW/NE, a market town, a farming community, a National Park, etc. Ultimately, it would only succeed if it has the ability to differentiate the needs of each such area at a local level, which a local plan can achieve far more effectively and democratically.

2. **Use of Health Impact Assessments:** London Boroughs have developed, or are developing, approaches to Health Impact Assessment (HIA) which would offer a standard-based and democratic mechanism to ensure local communities are consulted on new developments⁹. The use of the HIA process could help to meet the ambitions of the White Paper to ensure communities are consulted more effectively, in this context on the impact of design on health. The determinants of health in cities includes the availability of jobs and education opportunities, not only access to health and social care infrastructure.
3. **Reform of the construction sector:** Any reform of housing delivery must also address the structure of the housing and building sectors. Setting policies encouraging an opening up of the construction sector is required to increase the pace of home delivery. The White Paper does not tackle this issue and it is doubtful that setting development management rules nationally in the NPPF would achieve market reform.

Recommendations:

1. **The NPPF should set national standards for planners to protect health and the environment from inappropriate developments. The NPPF should also allow local planning authorities to adjust standards to meet local circumstances.**
2. **The use of Health Impact Assessment should be further formalised at national level to meet the ambition of planning reform to ensure communities are consulted more effectively in planning decisions.**
3. **A reform of housing delivery cannot be achieved through a reform of planning policy itself. We urge government to find policy instruments to open up the construction sector to speed up the pace of home delivery.**

Question 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?

Response: It is difficult to respond specifically to this question given the lack of information from the government on its plan for a “consolidated test of sustainable development”. We suggest that the government provides more information on this test, in particular how the new system would safeguard sustainability as effectively as the current soundness test and the deletion of the duty to cooperate.

We will respond generally, therefore. Environmental impact is important but must be nested within a framework that also protects people’s health. So ‘sustainable development’ should also consider the ongoing impact of a given development upon the health of those who may inhabit or work within it, as well as its impact upon the surrounding neighbourhood. This has many synergies with environmental quality, of course. We would urge the government to explore the development of a streamlined assessment method which would give health a central role in its analysis of the impact of development.

Explanation: An overarching framework placing people’s health at the centre of the assessment would allow socio-economic and environmental aspects to be covered. But it would also ensure that the health impact of development proposals could be more comprehensively analysed, exploring the impact of new policies, strategies and developments at the spatial scale (from room size to the neighbourhood level, e.g. access to amenities and services) given these all impact on health and wellbeing.

Recommendations:

1. **We suggest that the government provides more information on this test, in particular how the new system would safeguard sustainability as effectively as the current soundness test and the deletion of the duty to cooperate.**
2. **We urge the government to explore the development of a streamlined assessment method which would give health a central role in its analysis of the impact of development.**

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

Response: We consider that too little information has been provided for us to make an informed judgment on this White Paper proposal. The government needs to provide more information on a replacement for the duty to cooperate.

There is a particular issue in London with meeting housing needs in the absence of a duty to cooperate. The White Paper's proposal for a new method for assessing housing needs would, according to sector experts¹⁰ lead to an unrealistic housing target of 93,5000 homes per annum in London. The question is then how unmet needs would be met without the duty to cooperate?

A London-wide level plan would be required if the duty to cooperate disappears. The issue would then become who sets the priorities and resources – central government/ national or regional agencies/local authorities? Strategic infrastructure and services cannot be built without some sort of cross boundary/metro/regional decision-making process to ensure a sustainable response to needs.

Explanation: The duty to cooperate allows the strategic consideration of transport links, energy, and protection of green belt: all of which have economic, social and environmental implications. In dense urban areas like London governance and overarching policies are needed.

ADPH London supports adopting a more practical and effective cross-boundary arrangement for implementing strategic planning priorities set out in NPPF Paragraph 20. It could be done via a London-wide plan. All the strategic priorities are relevant to health and wellbeing, and as current Duty to Cooperate arrangements apply to NHS England and Clinical Commissioning Groups (as prescribed bodies), in relation to health infrastructure provision. It is important these bodies are involved in designing new strategic planning arrangements. In addition, other bodies, many with cross-boundary interests and governance arrangements, such as Public Health England and local Health and Wellbeing Boards should also be involved.

Recommendations:

- 1. A London-wide approach and plan is needed to assess and address London housing needs as well as accompanying infrastructure needs.**
- 2. The planning reform must ensure that a number of national and local bodies are consulted when designing London strategic planning arrangements in order to address cross-sector and cross-boundary issues.**

Question 8(a): Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Response: A standard method for establishing housing requirements would be welcome if it takes into account health issues in an equitable way and is not based solely on the quantum of housing needs. Weight must be given to the quality and impact of that housing on inhabitants in the longer term.

The method must also reflect local needs and not be a politically set target. More information is needed to explain how the national prescribed policy, or a standard method would reflect local circumstances, in particular, local affordable housing needs, tenure splits and dwelling mixes.

Recommendation:

- 1. A standard method for establishing housing requirements must take into account health equity and must be based on an evidence-based analysis of local needs.**

Question 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?

Response: No, this is too simplistic. Please see our response to question 8(a). Targets for housing requirements must be based on a plan produced locally to meet needs in that area.

Affordability and priority use of brownfield sites, and the protection of green belt/green field sites must be indicators for setting these targets.

Recommendation:

- 1. Targets for housing requirements must be based on an analysis of local needs and tests must include affordability and priority use of brownfield sites.**

Question 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?

Response: No. This has already been covered in question 5. This would lead to a centralisation of control over development policies and infrastructure levy rates and a reduction in the role of the local planning authority and the accountability of planning decisions at the local level. We also have concerns over the potential reduction in the quality standards of developments brought forward and the diminished ability of local planners to seek improvements, informed by the local evidence base, in particular new local health and environmental needs. The proposed reform removes rather than strengthens, safeguards through the planning applications process and therefore carries greater risk of allowing poorer quality developments, thereby potentially exacerbating poor health in existing communities and thus widening health inequalities.

Explanation: Of course, it is useful for developments to meet national standards which create a level playing field for planning applicants, to an appropriate extent. It is also important for local design standards that respond to the local context and needs to apply at a detailed level. The time frame for determining detailed consent must also not prevent sufficient scrutiny of the relative quality of a proposed development and its impact on the neighbourhood.

The use of evidence to inform each local plan is extremely important but local planning authorities should have been able to revise the local plan during its life should circumstances change, to address emerging social and health needs and not be bound to an outdated evidence base defining growth/renewal and protected areas. The Covid-19 pandemic has demonstrated that situations can change abruptly, with significant direct and indirect impacts on health.

Recommendations:

- 1. Please see the recommendations for Question 5. And also:**
- 2. Growth areas have significant complex issues, regardless of the scale of development, which will benefit from being subject to the scrutiny equivalent to the current planning process with a strengthened plan-led system and clear development management policies in the NPPF.**

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

Response: No. ADPH London does not agree that renewal areas should be subject to a more simplified process. Permitted Development Rights should only be considered with full consultation and an impact assessment. Renewal areas have significant complex issues, regardless of the scale of development, which will benefit from being subject to the scrutiny equivalent to the current planning process with a strengthened plan-led system and clear development management policies in the NPPF. A simplified process would remove local scrutiny, weakening accountability and local ownership of planning decisions, where these have been significantly steered by national criteria.

Zoning will also effectively create a two-tier system, with equalities implications for communities in different parts of a borough. Zoning could create a democratic deficit and postcode inequality.

Recommendation:

- 1. Renewal areas have significant complex issues, regardless of the scale of development, which will benefit from being subject to the scrutiny equivalent to the current planning process with a strengthened plan-led system and clear development management policies in the NPPF.**

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

Response: The use of the Nationally Significant Infrastructure Projects (NSIP) regime would need careful examination, given it currently assists the planning process in respect of transport and energy projects that frequently affect a broader geographical area than a single planning authority. If a 'new town' was being proposed, for example, its impact may cut across local planning authority boundaries, but is likely to be more localised than a railway line or a main road. The multifaceted nature of any such

application is, of course, significantly different to a major infrastructure project. If added value could be demonstrated by using the NSIP then it might be a relevant process to follow – but this has not been demonstrated yet. In addition, any move to centralise planning processes under the Planning Inspectorate risks being seen to diminish the role of local democracy, rather than making it more transparent.

Recommendation:

- 1. A change in regime for new settlements, and centralisation of planning process must not be used to diminish the role of local democracy and scrutiny.**

Question 10: Do you agree with our proposals to make decision-making faster and more certain?

Response: No. Equity issues need to be considered here regarding access to digital technology in community consultation. Concentrating on digital media risks excluding a significant proportion of the those who deserve a voice in planning decisions. The White Paper needs to offer mechanisms to inform people beyond relying on a digital proposal: the physical placement of planning notices in an area may seem arcane, but it does highlight proposals in an immediate and geographically focussed way.

Explanation: While it is a laudable ambition to make decision-making faster and more certain, the reality is that some developments, in particular in London, are complex and multifaceted and thus require a detailed assessment and negotiation of how their environmental and health impacts will be mitigated. The White Paper's solution for achieving this ambition would undermine the local democratic management of planning decisions, undermining residents' involvement in the planning process, risking the development of poorer design standards, and narrowing the scope of Local Plans. All these have potential impacts on the health and wellbeing of communities. In addition, the greater centralisation of planning policy nationally, which these proposals involve, would further undermine the ability of local councils to manage development in their areas in consultation with local communities.

Recommendations:

- 1. The planning reform needs to offer mechanisms to inform people beyond relying on a digital proposal.**
- 2. The planning reform must not undermine local democracy and scrutiny over development. Faster and more certain decision-making is ensured through clarity in standards. This allows that fast and certain decision-making respects democracy and equity.**

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

Response: Yes. ADPH London believes that all Local Plans should be web-based and accessible to everyone, including consultees, so they can be better informed to contribute positively to planning processes.

Consideration should, however, also be given to how to engage effectively with digitally excluded groups. Consultations must be provided in accessible buildings and should include formats for those who are visually impaired, colour-blind or with little access to digital formats. In addition, engagement plans should also make use of existing community health networks to improve community participation throughout the planning process, for example with Black, Asian and Minority Ethnic communities.

Recommendation:

1. **Local Plans should engage effectively with digitally excluded groups and make use of existing community health networks to improve community participation throughout the planning process.**

N.B. ADPH London has not responded to Questions 12, 13a and 13b as these largely address technical aspects of the Local and Neighbourhood Plan process.

Question 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?

Response: If more phases of a same site can be built at the same time, consideration of their health impact at neighbourhood /combined scale must remain. Developers must be required to collaborate to create a healthy neighbourhood, not simply provide healthy buildings irrespective of the negative impact of the construction process.

Explanation: There is considerable international evidence on the impact of neighbourhood design on health¹¹ which should be taken into account through the planning process.

Recommendation:

1. **If more phases of a same site can be built at the same time, consideration of their health impact at neighbourhood /combined scale must remain.**

Question 15: What do you think about the design of new development that has happened recently in your area?

Response: Much of London lacks access to green infrastructure and recent developments have not improved this situation. Development needs to contribute to increasing access to green infrastructure in urban areas, e.g. improving the public realm to provide additional park spaces.

In their development of Local Plans, supplementary planning documents and design codes, London Boroughs consult widely with local communities and residents on a wide range of issues, including design quality, and we support these arrangements continuing.

Explanation: Research¹² found the majority of new developments to be of poor design quality, and that the better private housing schemes tended to be in more affluent areas,

and the reverse in less affluent ones: the reformed planning system must address place inequalities, although this does not appear to be a priority of the proposed reforms.

Recommendation:

1. **The reformed planning system must address place inequalities.**

Question 16: Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Response: Our priorities for sustainability within the London area are:

1. Improving the capacity for car free/active travel;
2. Increasing the number and area of publicly accessible open spaces and play spaces.

Explanation: London Boroughs have been at the forefront of declaring climate emergencies and putting in place planning policies to deliver low carbon development. For the government to achieve its sustainability ambitions, and embed them as part of these proposals, we would expect carbon reduction policies to feature far more prominently throughout. The White Paper must ensure Local Plans and boroughs' ability to influence individual development proposals and the degree to which they meet low carbon targets if standards are reduced and environment assessment streamlined. We are also concerned that nationally prescribed targets would restrict the more ambitious targets set by some Boroughs.

Recommendations:

1. **The White Paper must ensure Local Plans and Boroughs' ability to influence individual development proposals and the degree to which they meet low carbon targets if standards are reduced and environment assessment streamlined.**
2. **We urge the government to ensure that nationally prescribed targets do not restrict the more ambitious targets set by some Boroughs.**

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

Response: No. The government's proposals for design guides and codes form part of the wider proposal to introduce a 'zoning' style approach which we do not support. We anticipate that the improved design guides and codes required to support the operation of the government's 'zoning' style 'growth', 'renewal' and 'protected areas' would need to be tailored to each Local Authority area and to the distinct localities within each borough. This would be a time consuming and costly process for which new funding would be required.

As it stands, permission in principle, PDR and other measures to bypass the current local planning scrutiny process puts in doubt the usefulness of local design guides.

If local design codes are to be adopted, the NPPF and PPG would need to ensure they offer a clear set of statutory links between reserved/technical matters and local design codes.

Explanation: There would need to be integration between the evidence base (of local health needs) and local planning policies, the use of design codes and HIA: these tools would offer a policy continuum, and complement each other to deliver on bespoke priorities based on evidence base. A revision of the evidence base could trigger automatic revision of indicators in design codes and HIA. In addition, communities, representatives of disability groups, etc, as well as developers, should be consulted. The process should be open, and evidence based.

There is existing exemplar design guidance, which should form the basis of national and local guidance. For example, the NHS Healthy New Towns programme and the Putting Health into Place package of guidance, Sport England and PHE's Active Design, and the refresh of Building for a Healthy Life benchmark.

Recommendation:

- 1. If local design codes are to be adopted, the NPPF and PPG would need to ensure they offer a clear set of statutory links between reserved/technical matters and local design codes.**

Question 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?

Response: A new body to support design coding and better places is welcome with the following criteria:

1. If it can increase standards: "better" must be defined by a list of clear indicators including health, wellbeing as well as heritage, etc. But a question remains of who controls it and can, therefore, affect its strategy and decisions – it needs to be free of political interference to have credibility.
2. Linking universities/research institutions to the new body could help create innovative local partnerships, and sustainable capacity building in the built environment
3. The governance of such a structure would also need to be set out more clearly, to establish the balance of national vs. local voices, as well as providing a voice for SME contractors, not merely the top tier developers and prime construction contractors.

ADPH London supports the proposition that each Local Authority should have a chief officer for design and place-making, but we need details on whether the role would be statutory, its powers and responsibilities. The NPPF would also need to clarify the powers of the Chief Officer for design and Place Making. Ideally the role should have clear lines of communication across council directors, including the Director of Public Health.

Recommendations:

- 1. A new body to support better places must have clear terms of reference that include:**

- a. Defining “better” by a list of clear criteria,
 - b. Engaging practice and research and
 - c. Establishing a balance between local and national voices as well as ‘market actors’.
2. The NPPF needs to clarify the powers of the Chief Officer for design and Place Making

Question 19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Response: ADPH London support proposals which improve the design of new affordable homes, particularly in terms of better meeting the needs and aspirations of residents and achieving low carbon development to address climate change and fuel poverty. However, attention needs to be paid to health outcomes inside homes. As said earlier, efforts to tackle climate change and make homes more resilient have led to an unintended impact on health through inadequate ventilation, leading to mould and condensation issues, and poor overall indoor air quality¹³.

Recommendation:

1. **Quality must be given more emphasis in the design of new affordable homes. Tests must include how to achieve low carbon development as well as health of residents.**

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

Response: Please see our response to question 19. We would support proposals which improve the design of new affordable homes, particularly in terms of better meeting the needs and aspirations of residents and achieving low carbon development to address climate change and fuel poverty.

The White Paper often refers to beauty: ‘Beauty’ is not a particularly helpful term, given it is inherently subjective. Health indicators must be embedded into the definition to ensure quality delivers health outcomes.

Explanation: Plentiful evidence is available to evaluate the impact of the built environment on health, data which needs to be given due weight in formulating and operating any new planning process.

The White Paper also proposes to extend permitted development rights (PDR). ADPH London does not agree with further extending these rights for the conversion of buildings to residential use, in addition to those introduced in July 2020. PDR are a mechanism that is appropriate for minor developments with little to no adverse impact and should not be premised only on visual aesthetics as the White Paper is suggesting.

An MHCLG-commissioned UCL research project already cited¹⁴. Has shown that many of the new homes created as a result of PDR for residential since 2013 are not suitable

and healthy for occupation. The effect of poor quality homes on those with existing physical and mental health conditions and vulnerable groups may be significant.

Recommendations:

1. See recommendation for questions 5 and 19. Also:
2. Permitted Development Rights should not be extended until standards are set to ensure they deliver quality housing and contribute to healthy outcomes for residents.

Question 21: When new development happens in your area, what is your priority for what comes with it?

Response: Our priorities for what comes with new development are as follows:

1. Connectivity
2. Integration into wider neighbourhood
3. Access to services
4. Availability of adequate amenities (both in terms of quantity and quality)
5. Open spaces
6. Healthy food

All are determinants of health and identified in, for example, the Tower Hamlets HIA assessment tool.

Explanation: Development must be good for future residents as well as for any neighbouring resident population. Will the quality of what is being built be sustainable in the longer term? Are the buildings designed to facilitate their maintenance, and flexible enough to accommodate change to energy efficiency standards (within the bounds of what is reasonable) going forwards?

As referred to in other responses, our main concern is that the process for determining the priorities for planning gain should be at a Local Authority level, taking into account community input.

We make no specific **recommendations**, as they are covered in those for other questions.

Question 22(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?

Response: ADPH London could support this proposal if it does not reduce the quantum of funding a Local Authority receives, its ability to formulate a local strategy that meets its immediate needs, and the timing of receipt of payments does not hamper the implementation of measures required to mitigate the impact of a development in advance of its completion, not merely retrospectively. Ideally the value of a contribution

would be directly linked to the impact of a development, which may be difficult to achieve and demonstrate if charged as a fixed proportion above a set threshold.

Explanation:

1. Linking the value of a developer contribution to meeting the impact of its development, particularly on the availability and quality of local public amenities and availability of affordable housing needs to take account of the specific local context. If this became a fixed financial, formulaic assessment it would break this link, and could be seen to undermine the logic of the approach overall – the impact of that development would appear less relevant, and the Levy could be seen as a tax in effect, not a payment to offset ‘harm’. By establishing a national rate, the levy risks becoming a matter of political debate, rather than a response to relative local need, for which the Local Authority can be held to account in setting a strategy and how it performs in executing the same. It would, therefore, risk ministers being involved more in local planning debates, given that control over the value of the Levy for a given scheme was no longer determined at the local level. Moving to a formulaic rate will not provide a level playing field for communities, even if it makes the calculation simpler for developers, as payments will not reflect the relative impact of the development.
2. Replacing CIL and s106 with a single payment is less of an issue, as long as a consolidated levy does not ‘water down’ the intended purpose of its predecessors (in particular s106) to link any levy to the mitigation of locally identified impacts arising directly from the development in question. The proposals to exempt ‘First Homes’ from CIL, and the ability for local planning authorities to use their discretion in deferring CIL payments for SMEs is reasonable.
3. The timing for payment of a levy is also important – requiring its payment only at the point of occupation will preclude its use to fund improvements that will support Public Health policies, e.g. providing cycle lanes that will promote healthier transport options for new residents of developments that not accrue if instigated post-occupation.

Recommendations:

1. **We advocate retaining the link between the relative impact of a development and the value of the Infrastructure Levy, so that the latter is scaled to mitigating the ‘harm’ (in planning terms) of the development.**
2. **Linking the form of any Levy to the direct and specific impact of a development is a more transparent way of evaluating how to offset that impact. Replacing s106 and/or CIL with a new Infrastructure Levy is not an issue *if* this link is maintained.**
3. **Payments should not be made at the point of occupation of a development, as this risks preventing planning authorities from providing infrastructure that may complement the development, and/or mitigate its impact by the point at which it is completed, not sequentially.**

Question 22(b): Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Response: If the Infrastructure Levy does replace CIL and s106, it should be set at a local level, to take account of what are vastly different local contexts for such decisions.

Explanation:

1. It would be difficult for a single rate to be (and be seen to be) equally applicable across a large geographic area, with very different socio-economic and infrastructure characteristics. The patchy take up of CIL perhaps reflects LPAs concerns that a formulaic approach is less defensible and operable, relative to s106.
2. Applying area specific rates will equally risk being seen as the worst of all worlds – subject to criticism from all quarters, public and private, on the basis of perceived or actual discrepancies between areas. If some form of local weighting was introduced to take account of these discrepancies, it is likely that the value of that weighting would be the subject of local disagreement. A single national levy would struggle to take account of existing, and foresight of anticipated changes to, local conditions within a defined geographic area. It is not clear, therefore, what benefits would accrue for central government from introducing a nationally applied rate, given it risks being seen as inequitable. Adjusting it through weighting may also be seen as an inadequate substitute for local decisions about the value of any levy.

Recommendation:

1. **If the Infrastructure Levy does replace the existing s106/CIL regime, the value of the levy should continue to be set locally, with Local Authorities setting out their reasons for the rate (or, more likely, scale of rates) applied.**

Question 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?

Response: While more funding for investment in infrastructure, affordable housing and local communities would be welcome, it depends on how and where this would be allocated, and the discretion that local planning authorities would have to decide how it was spent.

If the decisions were not prescribed to a greater extent than now, making more funding available would be welcomed.

Explanation:

1. If a single levy is introduced, whether it is more, less or the same quantum value to now is difficult to specify without understanding the context of how and where it would be applied – an overall increase may not provide better outcomes if there is direction to spend it in ways determined centrally. At current rates, Local Authorities have to make difficult decisions to prioritise how CIL and s106 are distributed. Hypothecation at a local level, based on a local analysis of need, can be helpful in this context, but it is not clear that this will be included in the structure of a new levy.
2. As relevant to the total value, therefore, is how a new levy would be distributed across areas, and the discretion that the local planning authority can apply to its distribution. More funding would be very welcome to ensure that public services and affordable housing could be better served and provided if decisions on its use remained local, but this must be linked to the Local Authority identifying need in its local context and allocating funding from the Levy accordingly – that is the best way to provide quality through the use of the Levy, whether its total value increases or not.

Recommendation:

1. **Increasing the value of planning gain would be welcomed if its distribution remained largely determined at local level.**

Question 22(d): Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Response: No, as the current regime works effectively to provide funding when required, related to the project that it is levied against.

Explanation:

Borrowing against the Infrastructure Levy to support infrastructure delivery presents a number of issues:

1. Current rates of borrowing are at historically low levels, although this should not be considered the norm. The need, however, in the short term is low for an alternative form of borrowing.
2. Would providing this facility lead to a decrease in the provision of capital funding via alternative routes? If Local Authorities were seen to have access to borrowing in this way, whether a given Local Authority chose to do so or not, could be seen as a justification for reducing other funding streams.
3. The timing of any borrowing against a levy would also be crucial – if against contributions already collected, it is not clear that the ability to borrow would be necessary or desirable. If against future levy payments, there is a risk of their being delayed or not materialising.
4. Creating a liability in this form is unnecessary if the value of the Infrastructure Levy responds proportionately to the specific impact of a given development from which it is raised. If the timing of the receipt of this levy is, as now, determined at planning approval, rather than occupation, the need for borrowing is not obvious.

There is also a concern that any shift in viability assessments that lead to an attempt to reduce contributions will, if successful, create an unexpected liability for the Local Authority. This is a risk that is not necessary, nor worth taking, for Local Authorities when a perfectly serviceable mechanism of payment at planning permission already operates.

Recommendation:

1. **We would encourage ministers not to introduce a system of borrowing against the Infrastructure Levy, as its risks outweigh any perceived benefits in our view.**
2. **We advocate retaining the current regime of agreements being entered into at the point of planning approval to release funds for infrastructure investment ahead of the development's completion.**

Question 23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Response: Yes, in principle, subject to understanding what rate would be applied to change of use through Permitted Development Rights, and how this would be carried out.

No recommendation.

N.B. ADPH London has not responded to Question 24 as this addresses technical aspects of the provision of affordable housing and its interaction with the proposed Infrastructure Levy.

Question 25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Response: ADPH London would welcome this.

Explanation:

1. Assuming that the purpose of planning gain payments, whether as an Infrastructure Levy or as s106/CIL, is to mitigate the impact of development, it is reasonable to require that investment that flows from it is directed to addressing that very impact.
2. There are, however, multiple ways of doing so, which may not reside solely within the current silos. It may be appropriate to identify the areas that the Local Authority should consider applying planning gain receipts too, but ensure discretion remains to interpret how the best value will be achieved through targeted use of those funds. For example, where a large development creates new homes that require more school places, health facilities, etc., the assets that are required are reasonably clear and funding options may accrue from other sources (Basic Need, etc.) – but Local Authorities need discretion to invest in improving, say, public health outcomes by investing in revenue for community support teams and the provision of programmes, not only physical assets.
3. Allowing a more strategic approach to mitigating a development's impact would, therefore, create the possibility for preventive rather than purely reactive responses to pressure on amenities and services.

Recommendation:

1. **ADPH London supports fewer restrictions over how Local Authorities could spend the Infrastructure Levy, or whatever other form of planning gain payments were used in future. Local Authorities would still be held to account for how it utilised this funding, which would be demonstrated through its own strategic vision for investment within its area, and clear prioritisation.**

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

Response: Our response depends to a great extent on who decides the extent of any ring-fence. The proposal has great merit, if it is clear that it would be largely driven by local decision-making processes.

Explanation:

1. Different localities will have different pressures that will vary over time. A nationally determined ring-fence value and extent is unlikely to meet those variations. Qualifying the approach to seek to do so would strongly suggest that such decisions should remain at local level. Again, ministers risk being dragged into local debates that will occupy time without adding value to the national picture on the provision of affordable housing.
2. It is not yet clear how any proposed ring-fencing mechanism for affordable housing would operate – would it specify tenure types as a proportion of the whole, etc.? Again, this is likely to be a decision that is deeply affected by the local socio-economic context, requiring more knowledge of local circumstances than a government Department could reasonably be expected to manage, given its responsibility for the holistic picture. If Local Authorities were able to determine the tenure mix, as well as the quantum of any local ring-fencing, it could become a very powerful tool for increasing the number of genuinely affordable homes where needed.
3. There is also an argument for examining whether areas other than affordable housing (incredibly important although it undoubtedly is) should be considered for ring-fencing, including Public Health measures. There may be a number of other equally pressing issues within a region/locality that also merit some form of hypothecation. This would, however, be best decided at a local level. Affordable housing could be subject to mandatory ring-fencing, with a minimum % set, but with the option for other priorities to be treated in the same way.

Recommendations:

1. **ADPH London supports ring-fencing for affordable housing, as a principle, if it can be determined at local level in response to the geospatial analysis a Local Authority is best placed to undertake.**
2. **We would encourage government to consider whether other areas of significant importance and value, in particular Public Health, could also benefit from a degree of hypothecation.**

Question 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?

Response: We are concerned that proposals in this consultation will have a negative impact on people with protected characteristics, as defined in section 149 of the Equality Act 2010.

Equity in health must be embedded as an outcome for planning system and be part of any indicators that measure ‘beauty’ and/or the relative quality of any given development.

Explanation:

On proposals for affordable housing: The proposal to abolish section 106 and CIL risks significantly reducing the delivery of affordable housing, in particular sub-market rented housing, with a negative impact on the disadvantaged groups who disproportionately require such accommodation. We are very concerned that the proposals for a replacement Infrastructure Levy do not guarantee at least the same

amount of affordable housing as currently being delivered via section 106 and CIL. These proposals would compound a group of other government measures/proposals which also reduce the delivery of affordable housing, specifically sub-market rented housing, including:

1. The extension of Permitted Development Rights with no affordable housing requirement from 1 September 2020 - proposals which stipulate that 'First Homes' would take up the first 25% of the affordable housing requirement on a site, displacing other affordable housing tenures including sub-market rented housing (as proposed in MHCLG consultation 'Changes to the current planning system' which closed on 1 October 2020).
2. Proposals to increase temporarily the small sites threshold (below which developers do not need to contribute to affordable housing) from 10 units to up to 40 or 50 units, in order to support SME builders (as proposed in MHCLG consultation 'Changes to the current planning system' which closed on 1 October 2020).

The over-representation of disadvantaged groups amongst homeless people and other lower income households is well established. Therefore, an Equalities Impact Assessment which compares the impact of the government's section 106 and CIL proposals with a 'no change' option would be appropriate. This assessment should also calculate the combined impact of the government's section 106 and CIL proposals plus the three other measures/proposals listed above. We suggest that BAME households, people with disabilities and other groups are likely to be significantly disadvantaged by all these changes.

Impact of the White Paper proposals on resident and community involvement in planning decisions: The White Paper proposals for 'growth' and 'renewal' areas would allow policy compliant developments to proceed without the need for planning permission and, consequently, with little or no opportunity for resident engagement on individual schemes in these areas. By contrast, it appears that planning permission and the associated resident engagement on individual schemes would continue as currently in 'protected' areas. We consider it likely that disadvantaged households and communities would disproportionately reside within 'growth' and 'renewal' areas with less opportunity to influence development nearby, whilst more affluent households and communities would disproportionately reside in 'protected' areas, such as conservation areas and higher value locations close to Metropolitan Open Land, Green Belt, parks and other green spaces, thereby benefitting from a greater say on development proposals which may affect them. This would risk compounding inequality and the disenfranchisement of disadvantaged groups. Therefore, an Equalities Impact Assessment which compares the impact of the government's proposals with maintaining the current system (the 'no change' option) would be appropriate.

Digital reforms: The digital reforms proposed in the White Paper could offer improved access to the planning process for some residents which we would support, subject to existing methods of resident involvement being retained and enhanced for those without digital access. This has important equalities implications for disadvantaged households and communities who are less likely to have digital technology and knowledge of how to use it.

Recommendation:

- 1. We urge the government to conduct an Equalities Impact Assessment which compares the impact of the government's proposals with maintaining the current system.**

¹ Preamble to the Constitution of WHO as adopted by the International Health Conference, New York, 19 June - 22 July 1946.

² Carmichael et al., 2013 and 2019; Ige et al., 2019 and 2020; PHE, 2017.

³ WHIASU, 2020.

⁴ Marmot, 2010.

⁵ Marmot, 2020.

⁶ See literature reviews by Ige et al., 2020 and PHE, 2017.

⁷ Clifford et al., 2018 and 2020.

⁸ e.g. Harlow, see Mercer 2020.

⁹ e.g. Tower Hamlets Local Plan Policy D.SG3.

¹⁰ Lichfields, 2020.

¹¹ Ige et al., 2020.

¹² Place Alliance, 2020; Transport for New Homes, 2020; Foresight, 2014; PHE, 2019.

¹³ See evidence review in Carmichael et al., 2020.

¹⁴ Clifford et al., 2020; also see Chang and Marsh, 2020 and PHE, 2017.

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