

PLANNING POLICY AND LOCAL PLAN COMMITTEE
30 September 2020

REPORT OF THE CORPORATE DIRECTOR: PLANNING AND REGENERATION

A2 –THE PLANNING WHITE PAPER – ‘PLANNING FOR THE FUTURE’

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PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To draw the attention of Members to the recently published planning White Paper consultation – ‘Planning for the Future’ (see Appendix 1),
- b) To allow Members to consider and agree the draft response to the consultation set out at Appendix 2 for recommendation to Cabinet.

EXECUTIVE SUMMARY

Key Points

- On 6 August 2020, the government published a White Paper entitled ‘Planning for the Future’ which sets out proposals aimed at radically reforming the national planning system.
- The paper includes proposals for streamlining the preparation of Local Plans, simplifying the process for making planning decisions, placing greater emphasis on high quality and ‘beautiful design’ and introducing a new ‘Infrastructure Levy’ to fund infrastructure and affordable housing.
- The consultation paper contains 26 questions and responses need to be submitted by 29 October 2020.
- Officers, in liaison with the Chairman of the Planning Policy and Local Plan Committee have drafted responses to the questions and the Committee’s comments and agreement are now sought for recommendation to Cabinet.
- The draft responses aim to support the principle of simplifying and speeding up the planning system but the object to any changes that might a) hand too much power to unelected Planning Inspectors, b) force housing targets on Councils without any opportunity for challenge; c) undermine local democracy; or d) unintentionally bring about more bureaucracy and delay.

The White Paper divides its proposed reforms into three broad themes, or “pillars” and sets out how the changes could be delivered in varying levels of detail. The paper also details a number of alternate options detailed later in this report.

PILLAR ONE: PLANNING FOR DEVELOPMENT A new role for Local Plans

The Government states that Local Plans are too long, complex, take too long to produce and become out of date quickly.

It is proposed to fundamentally refocus Local Plans. No general development management policies would be included (these would be contained in the NPPF), with policies restricted to site or area-specific requirements and development standards to provide certainty about where and how land can be developed, with details of a faster and simplified consenting process also proposed.

At the centre of the new Local Plan system is the local or national allocation of land to three categories (zones) with rules (similar to zoning rules) about how each zone can be developed, covering suitable development uses, height and density limits and identification of sub-areas where different rules apply. Local Plans would simply identify areas for ‘growth’, ‘renewal’ and ‘protection’.

Preparation of new Local Plans aims to overhaul the procedure for preparing the new Local Plans to make the process faster and with greater community engagement. This could include

- Removing the test for ‘soundness’ – This test would be replaced by a single and consolidated statutory “sustainable development” test which would include simpler consideration of environmental impacts;
- Automation and digitisation of policies and written in a machine-readable format;
- Informed by infrastructure – data and evidence on infrastructure need and planning will inform Local Plans with sites only allocated if there is a reasonable prospect of the infrastructure needed coming forward within the plan period;
- Binding housing requirement – housing targets would be determined through a standard method of calculation;
- Incentives to determine applications in statutory time frame – for example with fee refunds and more deemed approvals;
- Digitally enabled and standardised process;
- Shorter and standardised planning applications;
- Statutory timetable for key stages of the Local Plan making process - a 30 month statutory timescale for the production of Local Plans; and
- Neighbourhood Plans retained and particularly encouraged in towns and cities and extension of the concept so that very small areas – such as individual streets – can set their own rules.

Officers’ draft response to these proposals support the principal of streamlining the planning system, but object to measures that could undermine local democracy, particular the standard method of calculating housing targets and the role of unelected Planning Inspectors in the planning process.

PILLAR TWO: PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

These proposals look at the Government's desire to '...create beautiful places that will stand the test of time...'

National and local design guides and codes are proposed to 'guide' decisions on the form of development. Local design guides prepared with input from local communities would be brought forward as part of the new Local Plan process, by neighbourhood planning groups or applicants with significant proposals and should consider "empirical evidence of what is popular and characteristic in the local area", and only given weight in planning decisions if this can be shown. A new expert body would help authorities use design guidance and codes and with a "monitoring and challenge role".

A Fast-Track for Beauty Amendments to policy and legislation would allow certain development that comply with local design guides and codes to be fast-tracked through the system.

A new system for environmental considerations is proposed, particularly looking at preventing duplication and delays, improving transparency and opportunities outside of the European Union.

The planning framework for listed buildings and conservation areas is proposed to be reviewed and updated with consideration of changes of use issues, climate change adaptation and new ways of consenting, such as exploring whether suitably experienced architectural specialists can have "earned autonomy from routine listed building consents".

Officers' draft response to these proposals support the principal of improving design quality but highlight the fact that 'beauty' is a subjective matter and that the introduction of design codes, if not done carefully, could stifle innovation in architectural design and might introduce another level of bureaucracy and complication.

PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES

The existing regimes of CIL and Section 106 planning obligations are proposed to be replaced with a new consolidated 'Infrastructure Levy' to provide a fixed proportion of the development value above a threshold with a mandatory nationally-set rate or rates and the current system of planning obligations abolished. It is also proposed that the Infrastructure Levy could be extended to capture changes of use through permitted development rights to ensure better contribution of development permitted this way.

Affordable housing is currently secured via Section 106 planning obligations only, but with planning obligations removed, authorities would use the Infrastructure Levy funds for affordable housing. Local authorities could specify the forms and tenures of on-site affordable housing provision.

There would be increased local authority flexibility to allow them to spend receipts on their policy priorities, once core infrastructure obligations have been met.

Officers' draft response to these proposals support the principal of simplifying the mechanisms for securing developer contributions for infrastructure but highlight concerns that some parts of the country will be able to generate more revenue from a standard levy than others depending on local land and property values, irrespective of the need for, and cost of, infrastructure.

The consultation document (at Appendix A) asks 26 specific questions throughout the White Paper. Officers, in liaison with the Chairman of the Committee, have made detailed comments on each of the questions asked by the Government. The Committee is asked to consider, comment on and agree the responses which will be referred to Cabinet for the final decision on what is submitted to government. The draft responses can be found at Appendix 2.

RECOMMENDATION

That the Planning Policy and Local Plan Committee considers the proposals in the government's consultation on the White Paper 'Planning for the Future' (attached at Appendix 1) and considers, comments on and agrees the draft responses (set out in Appendix 2) for recommendation to Cabinet.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

As the changes proposed in the White Paper could have significant implications for delivering upon many of the Council's priorities, particularly those around housing delivery, infrastructure, economic growth and community engagement.

RESOURCES AND RISK

As the changes proposed in the White Paper could have significant implications for Tending in the future, it is important that the Council ensures its views are put forward by responding to the consultation exercise.

LEGAL

If the government proceeds with the proposed changes to the planning system, there are likely to be subsequent amendments to planning legislation and national policy in due course.

OTHER IMPLICATIONS

Area or Ward affected: All

Consultation/Public Engagement: The public consultation on the planning White Paper runs for 12 weeks beginning on 6th of August 2020, ending at 11.45pm on 29th October 2020.

PART 3 – SUPPORTING INFORMATION

The changes to the planning system set out in the Planning White Paper are wide ranging and delve deep into the established way in which Council's planning departments will operate in the future. The Government often speaks of a fundamental overhaul of the planning system, but what is proposed here truly alters the foundations of the planning system in a profound way.

The key changes are highlighted below, but the White Paper in its entirety can be found at Appendix 1.

Local plans would zone land in two or three categories

The document proposes that local plans should identify three types of land – "Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected".

The document says that growth areas would include land "suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites". Sites identified in the local plan under this category would have outline approval for development.

Renewal areas would cover "existing built areas where smaller scale development is appropriate" and such land could include "the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages". It adds that there would be "a statutory presumption in favour of development being granted for the uses specified as being suitable in each area".

Protected land would include sites which "justify more stringent development controls to ensure sustainability". This would include "areas such as green belt, Areas of Outstanding Natural Beauty (AONBs), conservation areas, local wildlife sites, areas of significant flood risk and important areas of green space".

The document says that new-style local plans would "comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their Growth, Renewal or Protected designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category".

the document also sets out two alternative policy options. Under the first of these, rather than dividing land into three categories, the consultation says the government is "interested in views on more binary models".

"One option is to combine Growth and Renewal areas ... into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it". Another approach would be to limit automatic permission in principle to land identified as a Growth area. It says that "other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process".

Local plans should be subject to a single statutory "sustainable development" test, possibly replacing the existing "tests of soundness"

This new test "would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the secretary of state", the consultation states. It states that a simpler test "should mean fewer requirements for assessments that add disproportionate delay to the plan-making process".

Specifically, it proposes:

- To "abolish the sustainability appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties".
- The "duty to cooperate test would be removed". However, it adds that "further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges".
- A "slimmed down assessment of deliverability for the plan" would be incorporated into the new sustainable development test.

An alternative option states that, rather than removing the existing tests of soundness, an alternative "could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed".

A new standard method for establishing housing requirement figures is proposed.

The document says that local plans "will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years". Moreover, the new standard requirement "would differ from the current system of local housing need in that it would be binding, and so drive greater land release". It proposes that the standard method "would be a means of distributing the national housebuilding target of 300,000 new homes annually".

The model would have regard to:

- The "size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed)".
- The "relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development)".
- The "extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the green belt and flood risk".
- The "opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account".
- The "need to make an allowance for land required for other (non-residential) development".
- Inclusion of "an appropriate buffer to ensure enough land is provided to account for the drop-off rate between permissions and completions as well as offering sufficient choice to the market".

The consultation says that, in the current system "the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system". But it adds that the new proposed approach "should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land". However, the document proposes to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system. The government has published a separate consultation on the proposed changes to the standard method for assessing local housing need.

Development management policies could be set out at national scale, and restricted in local plans

Elsewhere, the document says that development management policies should be established "at national scale" and restricted in local plans. It says that, under this proposal, the National Planning Policy Framework (NPPF) "would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within local plans, such as protections for listed buildings..." It also says the government is instead proposing to turn plans "from long lists of general 'policies' to specific development standards" drawn up by councils and local communities.

An alternative option included in the consultation says that, rather than removing the ability for local authorities to include general development management policies in local plans, "we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach".

Another alternative would be to "allow local authorities a similar level of flexibility to set development management policies as under the current local plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed".

Local plans to be published as "standardised data"

The consultation also says that local plans should be published "as standardised data to enable a strategic national map of planning to be created". It adds that the new-style digital local plan would

"help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located".

Building Beautiful

Following the call by the Building Better, Building Beautiful Commission earlier this year for a "fast-track for beauty", the government proposes updating the National Planning Policy Framework so that schemes which comply with local design guides and codes "have a positive advantage and greater certainty about their prospects of swift approval".

It also proposes that site-specific design codes and masterplans within designated "Growth" zones, prepared either by the local planning authority or the site promoter, are first agreed "as a condition of the permission in principle".

Meanwhile, extending permitted development should enable "popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities", the document says. It adds that "pattern books", setting out standard design forms, "have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market", and says it plans to revive this tradition in designated "Renewal" areas, "by allowing the pre-approval of popular and replicable designs through permitted development".

The government also plans to develop "a limited set of form-based development types that allow the redevelopment of existing residential buildings", so "enabling increased densities while maintaining visual harmony". This would apply to its recently announced extensions of permitted development to include upwards extensions and demolition-plus-rebuilding which would have to take local or national design codes into account in order to gain prior approval.

And on so-called green infrastructure, the government proposes, via changes to the NPPF, to make all new streets tree-lined. "We are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened," it adds.

Environmental Impacts and Listed Buildings

It says the current process for assessing the environmental impact of developments "can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays", and proposes measures to streamline this.

The white paper also proposes to review and update the planning framework for listed buildings and conservation areas, "to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change".

On energy sustainability, the government wants new homes to produce 75-80 per cent lower CO₂ emissions compared to current levels, and to be capable of eventually becoming "fully zero-carbon homes" without further retrofitting. A government response to its Future Homes Standard consultation is due shortly, but the response to the current consultation "will look to clarify the role that [local planning authorities] can play in setting energy efficiency standards for new build developments", the white paper says.

Summarised, the key proposals are:

- For design guidance and codes, prepared locally with community involvement, to then be “more binding on decisions about development”;
- To move to a planning system based on such codes, which is then “more visual and rooted in local preferences and character”, with each authority having a “chief officer for design and place-making”.
- To strengthen non-departmental public body Homes England, so it can “give greater emphasis to delivering beautiful places”;
- To “fast-track for beauty” by “incentivising and accelerating high quality development which reflects local character and preferences”;
- To design a “quicker, simpler” framework for assessing environmental impacts and enhancement opportunities;
- To make “ambitious” improvements in energy efficiency standards for buildings to help deliver net-zero by 2050.

APPENDICES

Appendix 1 – Planning White Paper – Planning for the Future

Appendix 2 –Draft Response to the consultation questions within Planning for the Future

BACKGROUND PAPERS

None