

CABINET

27th October 2020

PLANNING FOR THE FUTURE WHITE PAPER

Report of the Interim Strategic Director of Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP180920	
Cabinet Member(s) Responsible:	Mr G Brown Deputy Leader and Portfolio Holder for Finance and Planning	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Considers the Government's proposals for the reform of the planning system in England as set out in the Planning for the Future White Paper in Appendix 1 and the draft Council response in Appendix 2.
2. Agrees to submit a formal consultation response to the Ministry of Housing, Communities and Local Government by the deadline of 29th October.
3. Delegates the responsibility of submitting a response to the Interim Strategic Director of Places in consultation with the Cabinet Portfolio Holder for Planning and Finance.

1 PURPOSE OF THE REPORT

- 1.1 The Planning for the Future White Paper launched in August 2020 intends to reform the planning system to provide a modern and streamlined approach to the complete planning process.
- 1.2 The consultation with the general public and interested parties will last until the 29 October 2020, and provides the opportunity for the Council to respond to the Government's proposals as set out in the White Paper.
- 1.3 Given the deadline for making responses, Cabinet is requested to consider the Government's proposals as set out in the White Paper and to agree to delegate the submission of a final response to the Strategic Director for Places in consultation with the Cabinet Portfolio Holders for Planning and Finance.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 On 6th August, the Ministry of Housing, Communities and Local Government published its much-anticipated Planning for the Future white paper outlining far-reaching proposed changes to the planning system. The 84-page consultation document proposes a major shake-up of the current system of local plans, development management and developer contributions.
- 2.2 Details of the White Paper and its consultation can be found here: <https://www.gov.uk/government/consultations/planning-for-the-future>
- 2.3 A copy of the White Paper is attached as Appendix 1 to this report. In summary, the White Paper proposes the following in terms of the operation of the current planning system in England.
- 2.4 Local Plans would be simplified and focus on identifying three categories of land – "growth areas" that are "suitable for substantial development"; "renewal areas" that are "suitable for development"; and "protected areas". In "growth areas", outline approval would be automatically granted for forms and types of development specified in the plan. Development in renewal areas would "cover existing built areas where smaller scale development is appropriate" and could include the "gentle densification" of residential areas, development in town centres, and small sites in and around villages. There would be a "statutory presumption in favour of development" specified in the plan. Protected areas, including green belt, conservation areas and Areas of Outstanding Natural Beauty (AONBs), would still be subject to "more stringent" development controls and full planning applications would be required for new schemes.
- 2.5 Local Plans should be subject to a single and "simplified" statutory "sustainable development" test, replacing the existing "tests of soundness". Local Plans would need to be "visual and map-based, standardised, based on the latest digital technology.
- 2.6 Local Plans should be subject to a single and "simplified" statutory "sustainable development" test, replacing the existing "tests of soundness".
- 2.7 The legal Duty to Co-operate, which requires local planning authorities to continuously and effectively engage with neighbours on strategic issues such as

housing need, "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".

- 2.8 The Government is considering scrapping the five-year housing land supply requirement. The document says its "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, it proposes to "maintain the housing delivery test and the presumption in favour of sustainable development as part of the new system".
- 2.9 Councils and the Planning Inspectorate would be required through legislation to meet a statutory timetable of no more than 30 months for (Local) Plan preparation with "sanctions for those who fail to do so". Need reference to 42 months in our case
- 2.10 The planning process would be increasingly digitised, moving from "a process based on documents to a process driven by data". Local authorities would be helped to use digital tools to support "a new civic engagement process for local plans and decision-making".
- 2.11 Under a proposed new "fast-track for beauty", proposals for high-quality developments that reflect local character and preferences would benefit from "automatic permission". New development would be expected to create a "net gain" to areas' appearance. Design codes, which would be expected to be prepared locally, would be made "more binding" on planning decisions. A new body would be established to support the delivery of design codes across the Country.
- 2.12 The standard housing need method would be changed so that the requirement would be "binding" on local planning authorities who would "have to deliver [it] through their local plans". The new method "would be a means of distributing the national housebuilding target of 300,000 new homes annually". It says the requirement would be focused on areas where affordability pressure is highest and on brownfield land. It would also have regard to the "size of existing urban settlements" in an area and the "extent of land constraints".
- 2.13 A new 'single infrastructure levy' will replace the existing developer contributions system of Section 106 Agreements and the Community Infrastructure Levy (CIL). The Government proposes that the new levy will be a nationally-set, flat rate charge and would be based on the final value (or likely sales value) of a development. The new levy could be used to "capture a greater proportion of the land value uplift that occurs through the grant of planning permission and use this to enhance infrastructure delivery. But such a move "would need to be balanced against risks to development viability". The scope of the levy "could be extended to capture changes of use through permitted development rights". Such a move "would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community.
- 2.14 Large building sites would be split between developers to accelerate delivery. The government proposes to revise the National Planning Policy Framework to make it

clear that masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders, which would allow more phases to come forward together.

- 2.15 Community consultation at the planning application stage is to be “streamlined”. Instead, there would be “a new emphasis on engagement at the plan-making stage”.
- 2.16 The determination of planning applications "should be faster and more certain, with firm deadlines". The "well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline. Penalties for councils that fail to determine an application within the statutory time limits could involve "the automatic refund of the planning fee for the application". Ministers also "want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination". Applications should be "shorter and more standardised". There should be just "one key standardised planning statement of no more than 50 pages to justify the development proposals".
- 2.17 Where applications are refused and the decision is overturned at appeal, the paper proposes that "applicants will be entitled to an automatic rebate of their planning application fee".
- 2.18 Each local planning authority would be required to have a Chief Officer for Design and Place-making.
- 2.19 Fees should continue to be set nationally but "cover at least the full cost" of processing applications, "based on clear national benchmarking". It added that this "should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate".
- 2.20 The costs of operating the planning system should be "principally funded" by developer contributions "rather than the national or local taxpayer". Currently, the document says, "the cost of development management activities by local planning authorities is to a large extent covered by planning fees". However, the "cost of preparing local plans and enforcement activities is now largely funded from the local planning authority's own resources".
- 2.21 Therefore, the proposed changes to the planning system are significant and the White Paper is a comprehensive directive to reform the planning system as utilised currently.

3 CONSULTATION

- 3.1 The consultation is being undertaken by the Ministry of Housing, Communities and Local Government (MHCLG). The matter is due to be considered at the meetings of full Council on 12th October and the Growth, Infrastructure and Resources Scrutiny Committee on 22nd October. The outcomes from these meetings will be reported back to Cabinet.
- 3.2 A draft response is attached as Appendix 2 for Cabinet to consider and provide comment on.

4 ALTERNATIVE OPTIONS

- 4.1 The preferred option is to submit a consultation response to MHCLG addressing the questions posed in the White Paper. This option provides the Council an opportunity to shape the future reform of the planning system regarding the items which impact our local planning processes. The Council will also provide insight on how items within the reform uniquely affects the County
- 4.2 The alternative would be not to respond to the consultation regarding the Planning for the Future White Paper. This would preclude the Council in effectively engaging in the planning reform process. The Council will be unable to shape and develop the future structure for planning in England. Other opportunities will be available for future consultation; however, this will be much narrow in focus and the opportunity to influence the extensive planning reform will be forfeited.

5 FINANCIAL IMPLICATIONS

- 5.1 The recommendations within this Cabinet report have no identifiable implications on current Council finances for the planning function. Once the reforms have been agreed, some items for change may affect Council's operation of the planning function, and so have financial implications for the Council.
- 5.2 The planning reform refers to future models of proposed funding for the planning system which includes; developer contributions and funding the new planning system. These will need to be considered in budget setting once proposals have been confirmed by the Government.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 At this current stage of consultation, the Council will not be legally bound to any recommendations and views noted in the consultation response. Future changes to regulation and legislation will be communicated by MHCLG or as appropriately by the Government.
- 6.2 The planning reform notes that a framework of amendments to primary and secondary legislation for the planning system will be required. These changes will impact how the Council ensures effective delivery of the planning service.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 In responding to the consultation, the recommendations and response it is not considered that these will identifiably impact negatively upon equality or affect the safeguarding of others.
- 8.2 The reforms set out in the consultation seek to ensure the planning system is accessible, accountable, digital and transparent. This is proposed to create an increase in access and engagement for all groups and individuals. However, there is a risk that there will be a differential impact on those who do not have internet access, who are proportionately greater in older age groups, by the Government's proposals for the planning regime in England to be more digitally orientated.

- 8.3 In addition to the Council's response, all communities, families, groups and individuals are encouraged to have a say on the future of places where they live via the consultation.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 No direct implications at this stage - to be determined following the Government's response to the consultation.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 None identified to be determined following the Government's response to the consultation.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 Environmental implications – to be determined following the Government's response to the consultation.
- 11.2 Human Resource implications – The proposals are likely to impact on the skills required from Planning Officers in the future.
- 11.3 Procurement Implications - None identified

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 It is important to establish and maintain a planning system which functions effectively across the country and within Rutland. The reform will lead eventually to primary and secondary legislation which will impact on planning decisions affecting residents, communities and businesses.
- 12.2 Through the consultation response, the Council as the Local Planning Authority has the opportunity to input to and help shape the nature and content of the reforms proposed by Government.

13 BACKGROUND PAPERS

- 13.1 There are no additional background papers to the report.

14 APPENDICES

- 14.1 Appendix 1 – Planning for the Future White Paper
- 14.2 Appendix 2 – Draft response to the White Paper

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.