



Rutland  
County Council

# Rutland Parish Forum 16<sup>th</sup> November 2020

Government's proposals to  
reform the planning system in  
England





## What I will cover:

- What the Government is proposing for planning reform in England as set out in the White Paper
- How has the Council responded to this
- What may happen next



## What the White Paper covers

- 84-page consultation document, which promises a major shake-up of the current system of local plans, development management and developer contributions
- Most significant change since the current planning system was introduced in 1947
- Strong focus on delivery of new housing, with planning taken to be largely responsible for under-performance: “Thanks to our planning system, we have nowhere near enough homes in the right places” (Prime Minister in foreword to White Paper)
- Proposals extensive but generally lacking in detail, thus making it challenging to respond to the consultation
- Key headlines are.....



## Local plans would be simplified and focus on identifying three categories of land

- “Growth areas” that are “suitable for substantial development” - outline approval would be automatically granted for forms and types of development specified in the plan.
- “Renewal areas” that are “suitable for development” - development here 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.



## Sustainable development test for Local Plans to be simplified

- Would replace 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 test could also “become less prescriptive about the need to demonstrate deliverability”.
- In addition, the need for sustainability appraisals alongside Local Plans plans would be abolished and instead a “simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties”.



## Local plans would be required to set out site- and area-specific requirements for development

- The National Planning Policy Framework (NPPF) “would become the primary source of policies for development management”.
- Local Plans would therefore contain less general policies related to the management of development.
- Although, there would be scope for locally produced design codes.



## Legal Duty to Co-operate proposed to be removed

- Currently requires local planning authorities to continuously and effectively engage with neighbours on strategic issues such as housing need.
- This Duty is proposed to be removed although the White Paper 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”.



## 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”.



## Statutory timetable to be set for Local Plans

- Councils and the Planning Inspectorate would be required through legislation to meet a statutory timetable of no more than 30 months for plan preparation with “sanctions for those who fail to do so”...although recently produced/adopted Local Plans will be given longer.
- The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019, the paper states, while there is “currently no statutory requirement around timescales for key stages of the plan-making process”.



## New technology considerations

- Local plans would need to be “visual and map-based, standardised, based on the latest digital technology and supported by a new standard template”.
- 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”.



## Design Matters

- 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.



## Standard Housing Need Assessment

- This would be changed to produce a “binding” requirement 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”.
- The impact of a separate consultation on the methodology for this would have the effect of raising this in Rutland to 307 dwellings per annum – an increase of over 150% (more on this below)
- The White Paper 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 constraint”.



## New Single Infrastructure Levy

- This would replace the existing developer contributions system of section 106 agreements and the community infrastructure levy.
- The Government says 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.
- It says it intends the new levy to raise more revenue than the current system of developer contributions, and deliver “at least as much” affordable housing.
- The 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 ..but such a move “would need to be balanced against risks to development viability”.
- scope of the levy “could be extended to capture changes of use through permitted development rights”



## Community Consultation

- Consultation to be streamlined at the planning application stage
- Instead, there would be “a new emphasis on engagement at the plan-making stage”.



## Planning Applications

- Determination of planning applications “should be faster and more certain, with firm deadlines.
- 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”.
- Where applications are refused and the decision is overturned at appeal, the White Paper proposes that “applicants will be entitled to an automatic rebate of their planning application fee”.



## Planning Fees

- Fees should continue to be set nationally but “cover at least the full cost” of processing applications, “based on clear national benchmarking”.
- There should be “greater regulation of discretionary pre-application charging to ensure it is fair and proportionate”.
- 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 resource”.



## How has the Council responded to the White Paper?

- Detailed response made to the consultation following consideration and expensive debate at full Council, Scrutiny and Cabinet
- Additional response made to separate consultation on changes to the current planning system
- Copies of responses have been made available to Town and Parish Councils
- We have also submitted evidence to the House of Commons Select Committee



## Key Issues Raised in responses

- It is recognised that the planning system is over-complex
- There is a lack of evidence to support many of the Government's proposals
- The national shortfall on housing delivery is a complex matter going beyond the reform of the planning system
- There is an over-emphasis on housing delivery without sufficient attention on many other areas – such as climate change; recovery of local economies; sustainable transport; the need to protect best and most versatile agricultural land for food production
- There is risk that in proposing to make the planning system accessible, accountable, digital and transparent, there will be a differential impact on some sections of the community



## Rutland Local Housing Need considerations

- Consultants have assessed that the impact of the proposals for changing the standard methodology would impact on Rutland significantly:

Local Planning Authority	Average delivery (3 years)	Current Standard Method	Proposed new Standard Method	% age increase
Rutland	240	122	307	152%

- For any future Local Plan we would still need to allocate sufficient land to meet this as well as provide a buffer of normally around 10%

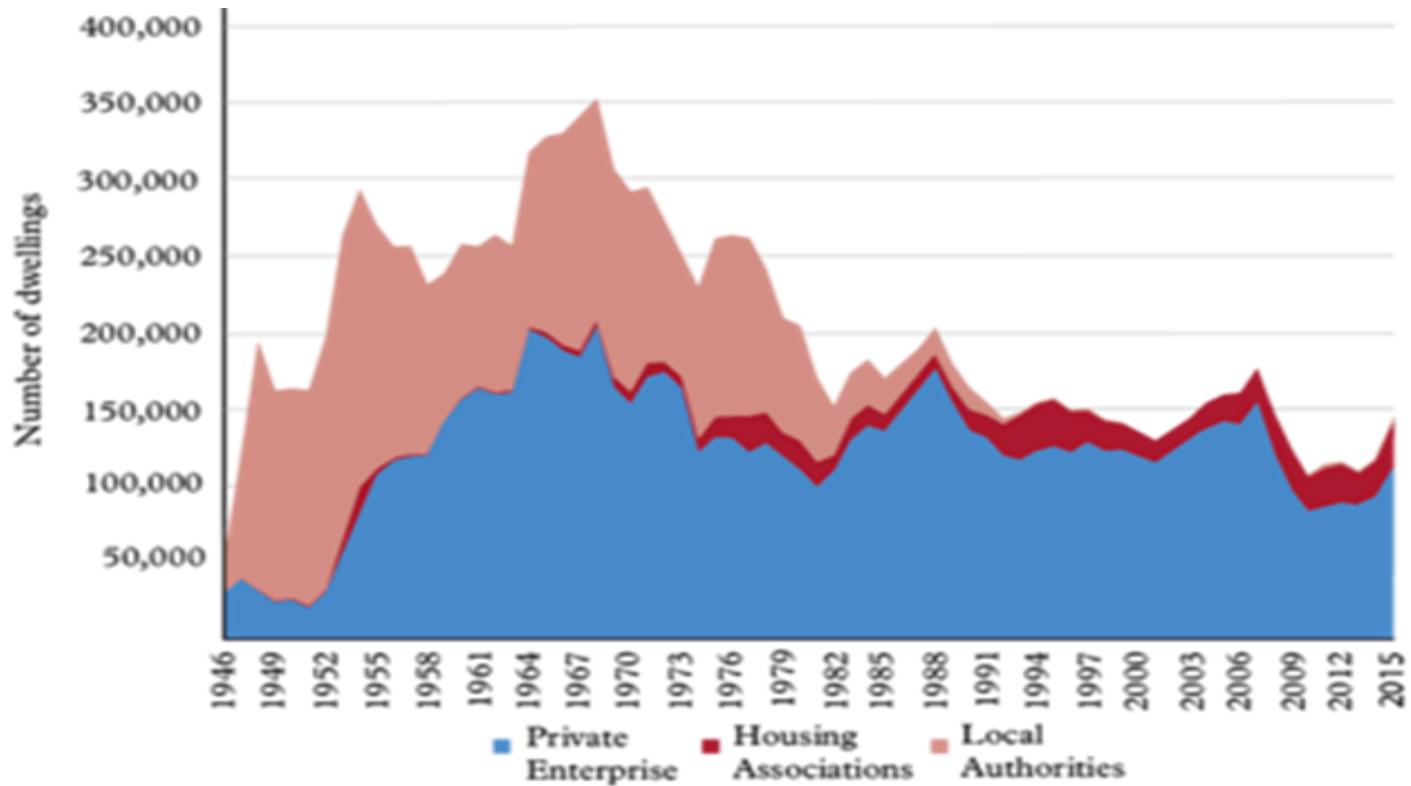


## Achieving 300,00 + dwellings nationally

- The proposed changes to the LHN methodology are driven by the Government's commitment to deliver 300,000+ new homes per annum.
- The only time housebuilding rates exceeded 250,000 per annum in England since WW2 was in the period 1955 – 1975 when local authorities invested in substantial amounts of housing.
- This was an era of political consensus regarding housing policy in which the value of broad based sectoral provision was acknowledged.
- The annual completion rate from 2014/15 – 2018/19 has varied between 124,000 and 169,000 (ONS) compared to the current government target.



## Achieving 300,00 + dwellings nationally





## What next?

- Consultation on the White Paper finished on October 29, although the work of the Select Committee is still ongoing.
- Government Chief Planner advising Councils to continue with existing plan making and urging getting plans in place, whilst responses considered.
- The suggested changes to local plans, developer contributions and development management “would require primary legislation followed by secondary legislation”. Ministers “would expect new local plans to be in place by the end of the Parliament”.
- There may be some additional specific consultations, such as on issues such as sustainability appraisal and perhaps a further revision to the Local Housing Need methodology.