

**Report for:** Regulatory Committee - 5 October 2020

**Title:** Recent Government Announcements on Planning

**Report authorised by:** Rob Krzyszowski, Interim Assistant Director, Planning, Building Standards & Sustainability

**Lead Officer:** Bryce Tudball, Planning Policy Team Manager

**Ward(s) affected:** N/A

**Report for Key/Non Key Decision:** For information

**1. Describe the issue under consideration**

- 1.1 On 6 August 2020 the Government launched two consultations on the English Planning System. The first is titled “Changes to the current planning system” and sets out proposals for measures to improve the effectiveness of the current planning system. The second is the long-awaited Planning White Paper titled: “Planning for the Future” which sets out the Government’s intentions and proposals for long-term reform of the planning system in England.
- 1.2 This report provides information on the content of both consultations, sets out the Council’s response to the Changes to the current planning system (which was submitted in advance of the closing date of 1 October 2020), and invites comment on the Council’s draft response to the Planning for the Future White Paper which must be submitted by 29 October 2020.

**2. Recommendations**

That Regulatory Committee:

- A) Note and discuss the response to the Changes to the current planning system consultation which was submitted on 1 October 2020.
- B) Comment on the draft response to the Planning for the Future White Paper ahead of its submission by 29 October 2020.

**3. Reasons for decision**

Not applicable.

**4. Alternative options considered**

The Council could choose not to respond to the consultations but this is not considered appropriate as it would not ensure the Council’s concerns about some of the proposals are formally on record as part of the Government consultations.

**5. Recent Government Announcements on Planning**

Changes to the Current Planning System

5.1 The Changes to the Current Planning System consultation set out proposals for measures to improve the effectiveness of the current planning system. The four main proposals are:

- changes to the standard method for assessing local housing need
- securing of First Homes through developer contributions in the short term until the transition to a new system
- supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
- extending the current Permission in Principle to major development

5.2 The consultation closed on 1 October 2020. The Council submitted a response by email on 1 October 2020. Key messages in the responses were that the Council:

- Seeks assurances that London boroughs should continue to plan for housing on the basis of the London Plan housing targets rather than Government's standard methodology for calculating housing need and that the Government will continue to permit alternative approaches to assessing housing need, where justified;
- Maintains its opposition to the Government's First Homes scheme as this will have a detrimental effect on the delivery of other affordable housing tenures, particularly low-cost rented homes;
- Opposes the Government's proposed approach of setting out in policy that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. This is a blunt and 'one size fits all' approach to delivering so-called 'affordable housing' which is not appropriate for the varying circumstances of each local authority. Local authorities are best placed to plan for new affordable housing in their areas to best meet local need;
- Opposes the Government's proposal to temporarily raise the affordable housing threshold from 10 homes to either 40 or 50 homes. The major effect of this will be to considerably reduce the delivery of much needed affordable housing;
- Does not support major development being allowed through the new route of 'Permission in Principle' (PIP) consents rather than the normal planning permission route. The expansion of PIP to cover 150 dwellings or 5 hectares would mean PIP could be sought on larger, more significant and more complex sites which are not suitable for determination via this route (absent of key technical information).

5.3 A copy of the response is provided at Appendix A.

#### Planning for the Future: White Paper

5.4 The Planning for the Future White Paper sets out the Government's intentions and proposals for long-term reform of the planning system in England. The consultation is wide-ranging covering Local Plans, planning decisions and to a lesser extent implementation and enforcement. The table below sets out the 24 main proposals:

Proposal 1	The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – <i>Growth</i> areas suitable for
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	substantial development, <i>Renewal</i> areas suitable for development, and areas that are Protected.
Proposal 2	Development management policies established at national scale and an altered role for Local Plans.
Proposal 3	Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.
Proposal 4	A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.
Proposal 5	Areas identified as <i>Growth</i> areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.
Proposal 6	Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology
Proposal 7	Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template
Proposal 8	Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and consideration will be given to what sanctions there would be for those who fail to do so
Proposal 9	Neighbourhood Plans should be retained as an important means of community input, and communities will be given support to make better use of digital tools
Proposal 10	A stronger emphasis on build out through planning
Proposal 11	Expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.
Proposal 12	Set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.
Proposal 13	Consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.
Proposal 14	Introduce a fast-track for beauty to incentivise and accelerate high quality development which reflects local character and preferences.
Proposal 15	Amend the National Planning Policy Framework to ensure that it can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.
Proposal 16	A quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England
Proposal 17	Conserving and enhancing historic buildings and areas in the 21st century
Proposal 18	Ambitious improvements in the energy efficiency standards for buildings to help deliver a world-leading commitment to net-zero by 2050.
Proposal 19	The Community Infrastructure Levy should be reformed to be charged as 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

Proposal 20	The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights
Proposal 21	The reformed Infrastructure Levy should deliver affordable housing provision
Proposal 22	More freedom could be given to local authorities over how they spend the Infrastructure Levy
Proposal 23	Develop a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms
Proposal 24	Strengthen enforcement powers and sanctions

5.5 The Council's draft response to the consultation is provided at Appendix B. The final response must be submitted by 29 October 2020. The key messages in the draft response include the following:

- Local Planning Authorities (LPAs) are already under considerable resource pressure with the current system and fee set-up. Introducing a new 'zoning' style system in parallel with the existing system will add significant strain on resources and provide a confusing system for residents
- The reforms will require LPAs to front-load resource to support the production of Local Plans. There will need to be extra resource to deliver the Local Plans envisaged by the White Paper and skills building will also be required to facilitate this.
- There is a risk that the proposals for more streamlined planning decisions could undermine the important democratic role of the planning system, either via public consultation or via Planning Committees – democratic input is crucial to gain communities' trust in the planning system, and also to deliver better development on the ground
- The White Paper aims to deliver net-zero greenhouse emissions by 2050. This needs to be more ambitious and happen sooner. This would be a backwards step for the Council which seeks to achieve a net-zero borough by 2041
- The Council is concerned about the proposals for a reformed 'Infrastructure Levy'. The Council is also concerned about the potential consequences for affordable housing delivery if future provision is to be secured through the levy rather than through planning obligations. It is unclear too what will happen to other non-financial obligations which are covered by Section 106 agreements such as off-site carbon offsets, employment and skills training and off-site provision of play space.
- Oppose automatic refunds or rebates of planning fees, and oppose deemed planning permission beyond certain time limits
- Support greater use of digital technology in plan-making and decision-taking, but this needs financial support and leadership from Government
- The Government will need to consult on more details in due course, with relevant parliamentary scrutiny of any new primary or secondary legislation. There will need to be a lengthy transition period to minimise disruption.

## 6. Contribution to strategic outcomes

6.1 Changes to the planning system are relevant to all Priorities of the Borough Plan.

## 7. Use of Appendices

- Appendix A: Changes to the Current Planning System consultation response
- Appendix B: Planning for the Future White Paper draft consultation response

**8. Background documents**

- Changes to the current planning system consultation document:  
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- Planning for the Future White Paper:  
<https://www.gov.uk/government/consultations/planning-for-the-future>

**9. Local Government (Access to Information) Act 1985**

N/A