

Planning for the Future White Paper

Summary

The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on radical reforms to the planning system in a Planning for the Future White Paper.

In summary the changes are proposed to:

- Give the Council a binding housing target;
- Divide the Borough into areas of Growth, Renewal and Protection;
- Simplify and streamline the development management process giving greater automatic permissions in principle and permitted development rights;
- Continue to protect the Green Belt;
- Streamline and shorten the Local Plan process, putting generic development management policies in national planning policy so that local plans focus on site specific matters;
- Place greater focus on getting site specific matters resolved in local plans with faster more limited planning application requirements;
- Give greater priority to design and require the production of design guidance and design codes;
- Replace S106 agreements and the Community Infrastructure Levy with a new Infrastructure Levy;
- Digitise the planning process.

Whilst views are sought on the broad principles of the changes proposed, as outlined above, the White Paper contains little detail on many of the proposals. This report outlines the key issues arising from the proposals and sets out a detailed response at Appendix 1.

The changes are subject to a 12 week consultation period ending on 29th October. Many of the proposals will require primary and secondary legislation.

Portfolio: Planning and People

Date Portfolio Holder signed off report: 29.09.20

Wards Affected: All

Recommendation

The Executive is asked to RESOLVE that

- (i) the content of the Governments Planning for the Future White Paper and of this report be noted;
- (ii) the detailed response to the consultation questions, as set out at Appendix 1, be agreed and submitted as the Council's consultation response;
- (iii) authority be delegated to the Executive Head of Regulatory Services in consultation with the Portfolio Holder for Planning & People to agree any substantive changes to the response arising out of further information from Government; and
- (iv) responses to subsequent planning consultations issued up to the end of March 2021 relating to proposals set out in the White Paper be delegated to the Executive Head of Regulatory Services in consultation with the Portfolio Holder for Planning and People.

1. Key issues

- 1.1 The White Paper proposes to radically reform the current English Planning system to make it a '*significantly simpler, faster and more predictable system*'. It states that there is little incentive for high quality design and the current system does not build enough homes. The Paper focuses on high level change with the detail of the proposals to come later. If progressed there would be a new Planning Act and an amended National Planning Policy Framework to deliver it.
- 1.2 The proposals are far reaching and coupled with other recent changes and proposed changes, summarised below, would, if implemented, result in significant changes to planning policy and to development management as well as to the funding and provision of affordable housing and infrastructure. The White Paper proposals are spilt into three broad categories:

Planning for development

- Local Plans would be simplified to focus on site specific and place making matters setting 'rules' for acceptable development;
- Introduce a statutory 30 month timetable for preparing Local Plans;
- A binding housing requirement would be set for each Local Authority with local plans covering a 10 year period;
- Local Authorities would identify all land within one of three categories:
 - Growth areas – areas of 'substantial' growth which would be granted outline permission on adoption of the Plan leaving only technical details to be determined.
 - Renewal areas – a presumption in favour of development in these areas for uses identified in Local Plans.

- Protected areas – areas where development is restricted and would require a full planning application.
- Development Management would become more digitised and streamlined with more standardised templates and limits on the requirements for applicants to submit supporting information.
- There would be an increase in automatic consents and permitted development.

Planning for Beautiful and Sustainable Places

- A greater statutory emphasis on design with design codes to be published as part of or alongside Local Plans. These will only have weight if prepared with community input;
- All local authorities to appoint a chief officer for design and placemaking;
- Additional permitted development rights proposed for certain types of replicable development that conform with a design 'pattern book'.

Planning for Infrastructure and Connected Places

- The developer contributions process through Section 106 and the Community Infrastructure Levy to be replaced with a single Infrastructure Levy (IL) to be set nationally but collected and spent locally;
- The new Levy would be based on the final value of the scheme and paid on occupation;
- There would be greater flexibility on spending of the Levy including on Council Services;
- A proportion of the Levy would still be passed to neighbourhoods;
- The Levy could be used to fund affordable housing and local authorities could borrow against it.

1.3 The key changes and implications for Surrey Heath are set out below. Appendix 1 sets out draft responses to the White Paper consultation questions. The White Paper does not set out a lot of detail on each of the proposed reforms and more detailed responses may need to be made when further consultations come forward.

1.4 A general overarching comment made in the attached response is that one of the consequences of the White Paper proposals would be a detrimental impact on local democracy and decision making, through for example the increased use of permissions in principle and of permitted development rights and through the use of 'rules' rather than policies in Local Plans.

Local Plans

1.5 The proposals in the White Paper would retain a plan led system but seek to simplify Local Plans and the Local Plan process to give more certainty to both developers and the local community and to speed up decision making. Greater emphasis is proposed on reaching those groups that do not normally engage through greater digital engagement, whilst streamlining the

opportunity for consultation at the planning application stage. The Local Plan proposals include:

- Local Plans to identify land under one of three categories:
 - Growth areas – sites for ‘substantial’ development and which would automatically secure outline consent on the adoption of the Local Plan;
 - Renewal areas – suitable for some development such as town centres, land within settlements and where there would be a presumption in favour of development; and
 - Protected areas – areas where development is restricted such as Conservation Areas and the Green Belt and where a planning application would be required. No change is proposed to Green Belt Policy.
- Local plans to focus on site and area specific requirements and locally produced design guides and codes;
- A radical re-invented engagement process with local communities so that more democracy takes place at the plan making stage;
- The current tests of soundness are to be replaced with a single ‘sustainable development’ test and requirements for local plan evidence are to be reduced and standardised;
- The duty to co-operate is to be abolished and views are sought on the best way to undertake strategic planning;
- Local Plans are to be prepared within a statutory 30 month timetable (or quicker) with set timescales for each stage with Plans covering a minimum period of 10 years;
- Local plans are to comprise an interactive web based map with a key and supporting text.

1.6 Significantly, Local Authorities would also be subject to a new binding housing target. The proposed revised standard methodology for assessing housing need is the subject of a separate consultation previously reported to Executive. Those proposals would increase the annual housing need figure in Surrey Heath from 332 to 408 dwellings per annum. The White Paper makes clear that in order to set a new binding housing target the Government would also take into account land constraints, including the Green Belt, within each area. The White Paper does not include any detail as to how or when this will be done. The White Paper also proposes to remove the Five Year Housing land supply requirement as the proposed new approach would ensure sufficient land comes forward.

1.7 Neighbourhood plans are to be retained but views are sought on whether their content should become more focused to reflect the proposals for Local Plans.

Implications for Surrey Heath

1.8 The proposed response at Appendix 1 sets out general support for streamlining the Local Plan process, including for example reducing the burden of evidence required to support Local Plans and simplifying the tests of soundness. However little detail is available on many of the proposals outlined in the White Paper and the Council therefore reserves the right to make further comments. For example, in principle no objection is raised to

generic development management policies being set out in national policy so long as there is still the opportunity for Local Authorities to include detail on very local issues such as housing type and mix within their own Local Plans. A number of significant concerns are raised in the response including:

- **Housing Requirements** – the Council has already raised objection to the proposed new standard methodology. The White Paper identifies that land constraints would be applied to the standard methodology to produce a final binding target. The response questions how this will be done, what weight will be given to constraints and suggests that local authorities are best placed to identify what these constraints are.
- **Local Plan timetable** – the White Paper proposes that Local Plans are produced within 30 months of which 12 months is the Examination and adoption process. The response suggests that this would be too challenging, particularly with the new requirements for design codes and the need for assessment of development expected in Growth areas.
- **Identification of Areas** – the proposals would require the borough to be split into areas of either Growth, Renewal or Protection. Areas of Protection would include Conservation Areas, Green Belt, Countryside beyond the Green Belt and areas of flood risk. Growth areas would comprise any ‘substantial’ areas of future development and is to be further explained in future planning guidance. Such areas are proposed to have an automatic outline consent when allocated in an adopted plan. Renewal areas would be the remainder of the borough. The proposals suggest that in renewal areas there would be a statutory presumption in favour of development being granted for uses specified as being suitable in each area. This suggests that there will need to be clear definitions of potentially relatively small areas with the Local Plan setting out the uses that are appropriate within each area.

Development Management

1.9 The White Paper proposals seek to provide more certainty in the planning application process and to speed up decision making. Some of these changes arise from proposals set out elsewhere in this report such as the automatic granting of outline consent on sites identified in Local Plans as ‘growth areas’ and introducing a fast track process for certain applications meeting local design criteria. Other proposals affecting development management include:

- A more streamlined, digitally enabled process including automated and standardised routine processes;
- Firmer timescales for determination of applications (with penalties proposed such as the return of application fee);
- The possible return of application fees if appeals are successful;
- Increased delegation to officers where the principle of development is agreed (for example in Renewal areas);
- Proposed new faster application process in Growth areas and Renewal areas;
- More emphasis to be given on the enforcement of planning standards and decisions.

Implications for Surrey Heath

- 1.10 The response at Appendix 1 supports the reduction in burdens on early administration of applications and standardisation of aspects of the process subject to appropriate tools and resources being provided to local authorities. However, the response suggests that the proposed measures will reduce democratic accountability and influence and limit professional planning judgement through more streamlined and automated processes and greater delegation.
- 1.11 The proposed response raises concerns at the suggestion of returning application fees if applications are not determined in time as there are many reasons why applications are not determined within a specified timescale.

Design and sustainability

- 1.12 The White Paper places significant focus on beautiful design and proposes:
- New development to be beautiful creating a 'net gain' not just 'no net harm' with all new streets to be tree-lined;
 - To facilitate improvements in energy efficiency standards for new buildings;
 - To introduce fast track permissions to automatically permit high quality proposals where they meet certain design criteria;
 - To review and update the planning framework for listed buildings and conservation areas;
 - That design codes will be prepared as part of or alongside local (and neighbourhood) plans. These will only have weight where there has been genuine local involvement; and
 - That each local authority appoints a chief officer for design and place-making.

Implications for Surrey Heath

- 1.13 The proposed response supports greater weight being given to good design and in principle supports the preparation of design guidance and design codes. Support is also given for simplifying the environmental impact assessment process and for improvements in environmental quality, subject to seeing further detail.
- 1.14 However the response also highlights the skills and resources that would be needed to prepare and implement design codes across the borough and raises concerns about the use of additional permitted development rights where design parameters are met, particularly the suggested use of 'pattern books' as this limits the ability to take into account local character and reduces local engagement in the planning process.

Infrastructure delivery

- 1.15 In relation to infrastructure delivery the White Paper seeks to simplify the developer contribution process and reduce the opportunity for negotiations that would delay the planning process. It proposes that:
- Section 106 and the Community Infrastructure Levy (CIL) be replaced by a single Infrastructure Levy (IL);
 - The IL would be set nationally and based on the final value of the scheme. It would be payable on occupation and collected and spent locally;
 - There would be greater flexibility on the spending of the IL but a proportion would still go to local communities and a proportion should help fund planning services;
 - Funds raised through the levy could be used to secure affordable housing;
 - The IL would raise more than current contributions and would also apply to development delivered through changes of use and permitted development.

Implications for Surrey Heath

- 1.16 The proposed response supports in principle the simplification of the developer contribution process and the intention to capture at least as much value as the current system. However, some concerns are raised at the loss of S106 agreements as these secure more than just financial contributions including affordable housing tenure and delivery, sustainable travel measures, long term open space maintenance and land transfers. The response also raises the issue of funding SANG and the need to ensure that that can still be secured such that it does not take a significant proportion of the new Levy.
- 1.17 The consultation raises a number of detailed implementation questions which remain unanswered at this time such as the timing of the Levy payment on large, phased schemes, how infrastructure that is provided on site by the developer would be considered against the levy and whether it applies to all types of development. The impacts on the delivery of Affordable Homes through the new Levy is also unclear.

Summary

- 1.18 The Planning for the Future White Paper proposes fundamental changes and the Council supports a review to simplify and speed up the Local Plan, development management and developer contribution processes. A significant number of changes are in principle to be welcomed, such as the focus on securing good design, however, the majority of changes proposed require further detail to fully assess the impacts. The Council also supports the objective to engage with a wider proportion of the population in the planning process, and to provide greater certainty to developers and local communities. It welcomes the recognition that planning services are under resourced and future investment in planning skills and technology.

- 1.19 The White Paper sets out a number of proposed changes of particular concern, as highlighted in this report and detailed in the Council's response at Appendix 1. Overall two key concerns are highlighted:
- **Public involvement** – despite references in the White Paper to increasing community involvement the Council considers that the proposals may actually deliver fewer opportunities for the community to have a say on the type and location of development in their area through an increase in permitted development rights and in a more streamlined local plan system.
 - **Local democracy** – the proposals further limit the ability for local influence over place making in the borough through the imposition of binding top down housing targets, an increase in permitted development rights and other more streamlined application processes along with the creation of 'rules' rather than policies.

Next Steps

- 1.20 The proposed reforms would require primary and secondary legislation to bring into force. It is anticipated that over the next few months the Government will publish a number of consultations on different aspects of the planning reforms. It is suggested that the Council's response to these consultations be delegated to the Head of Regulatory Services in consultation with the Portfolio Holder for Planning and People.

2. Resource Implications

- 2.1 If the proposals in the White Paper are introduced as proposed then there may be resource implications for the Council in moving to the new system. These resources would include staff and skills as well as software and IT with the proposals for greater digitisation of planning. The proposals also include the requirement for all Councils to have a Chief Officer for Design and Place Making. The replacement of S106 and CIL with a new Levy is also likely to have financial implications. Until the outcome of the consultation and more detail about individual proposals is known it is not possible to quantify what these implications will be.

3. Options

- 3.1 The Options for the Executive to consider are:

4. Proposals

- 4.1 It is proposed that Members agree to submit the response set out in Appendix 1 as Surrey Heath's formal response to the Planning for the Future White Paper consultation.

5. Supporting Information

- 5.1 The document forming the consultation can be viewed at <https://www.gov.uk/government/consultations/planning-for-the-future>

6. Corporate Objectives And Key Priorities

- 6.1 The proposals have some impact on the Council's ability to balance housing need with protection of the environment in the light of the Borough's development constraints.

7. Policy Framework

- 7.1 The Governments Planning White Paper consultation is a national consultation whose proposals apply to all local authorities within England.

8. Legal Issues

- 8.1 The implementation of the proposed changes will have impacts on the determination of planning applications and on the production of the Draft Local Plan.

9. Human Rights

- 9.1 No issues identified.

10. Consultation

- 10.1 This Report is a response to a consultation and has not required any consultation to take place by the Borough Council.

11. Officer Comments

- 11.1 No further comments.

Annexes	Appendix 1: Response to the Planning for the Future White Paper consultation
Background Papers	None
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