

Meeting:	<b>Joint Committee on Strategic Planning and Transport</b>
Date:	11 September 2020
From:	Joint Officer Steering Group

## Planning for the Future White Paper

### 1 Summary

- 1.1 The Ministry of Housing, Communities and Local Government published its much-anticipated Planning for the Future white paper on 6<sup>th</sup> August 2020. The white paper contains far-reaching proposed changes to the planning system, which will impact on the work of this Committee. The consultation on the white paper closes on 31<sup>st</sup> October 2020.

### 2 Background

- 2.1 The Government has long held the view that the planning system is outdated, slow and bureaucratic. The publication of the Planning for the Future white paper proposes a wholesale review of both plan making, decision taking and developer contributions. The white paper can be viewed at <https://www.gov.uk/government/consultations/planning-for-the-future>. Its main proposals are summarised below.
- 2.2 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.
- 2.3 Local plans should be subject to a single and "simplified" statutory "sustainable development" test, 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. The test could also "become less prescriptive about the need to demonstrate deliverability".
- 2.4 Instead of general policies for development, the document says, local plans would be required to set out site- and area-specific requirements for development, alongside locally-produced design codes. The National Planning Policy Framework (NPPF) "would become the primary source of policies for development management".
- 2.5 The legal duty to cooperate, 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".

- 2.6 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".
- 2.7 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". 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".
- 2.8 The need for sustainability appraisals alongside 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".
- 2.9 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 document says.
- 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.
- 2.12 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.
- 2.13 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 areas and the "extent of land constraints".
- 2.14 A new 'single infrastructure levy' will 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 under the current system of developer contributions, and deliver "at least as much" affordable housing, and on-site affordable housing, as at present
- 2.15 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".

- 2.16 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.
- 2.17 Big development sites would be split between developers to accelerate delivery. The government proposes to revise the NPPF 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.
- 2.18 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", the document says.
- 2.19 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 – not an aspiration which can be got around through extensions of time as routinely happens now".
- 2.20 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", the paper proposes.
- 2.21 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". 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".
- 2.22 Each local planning authority would be required to have a chief officer for design and place-making.
- 2.23 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". 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".
- 2.24 The government has promised to "develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms". Proposals for "improving the resourcing of planning departments" will be published "later this year", it adds.
- 2.25 Councils "should be subject to a new performance framework which ensures continuous improvement across all planning functions from local plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities".

- 2.26 Consultation on the white paper proposals run for 12 weeks until October 29. The suggested changes to local plans, developer contributions and development management will require primary legislation followed by secondary legislation. The white paper expects new local plans to be in place by the end of the Parliament.
- 2.27 Clearly, these are very significant changes to the planning system, which will require a considered response. Both Councils will be responding in their own right, but it will also be recommended that a joint response be prepared on behalf of the Greater Nottingham Joint Planning Advisory Board, on matters of strategic interest where there is a consensus of view.
- 2.28 In parallel with the white paper, the government has also published “Changes to the current planning system: Consultation on changes to planning policy and regulations”. Of most relevance to this Committee, it proposes a revised standard methodology to determine housing need. This consultation has an earlier deadline of 1 October 2020.
- 2.29 Changes in the standard methodology, if unchanged by the consultation, would result in the following housing need:

Area	Existing standard methodology	Proposed standard methodology
Ashfield	481	813
Broxtowe	368	490
Erewash	392	344
Gedling	458	534
Nottingham City	1,149	897
Rushcliffe	604	1,054

### **3 Recommendation(s)**

- 3.1 The Joint Committee:
- (a) considers the content of the white paper in so far as it relates to the work to the Committee; and
  - (b) notes the intention of both councils to respond to the consultations, and for a joint response to be prepared and submitted by the Greater Nottingham Joint Planning Advisory Board.

### **4 Background papers referred to in compiling this report**

- 4.1 Planning for the Future white paper, MHCLG, August 2020

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