

# Planning for the Future The Planning White Paper

*A response*



# Introduction

- Flo Churchill
- Chartered Town Planner
- 30 + years experience
- Commercial experience in major real estate practices in central London
- Senior Local Government management experience
- Over 25 local authorities from large unitaries to Metropolitan Boroughs to County Councils to District and Borough Councils
- Passionate believer in the added value that Parish and Town Councils can add

# Current consultations

- The Planning White Paper is one of a number of consultations currently being carried out on the future of the planning system in England.
- Consultation is also being carried out on “Changes to the current planning system”
- A White Paper is a policy document that indicates changes in policy and guidance that the government wishes to introduce
- The Planning White Paper – Planning for the Future has come about because of the government held view that the planning system is outdated and does not deliver the homes that are needed.
- “Local community agreement will be at the centre of the proposals being put forward in the white paper, Planning for the future ...” (Introduction to the PWP)

# Why change things now?

## **Boris Johnson said :-**

- “Thanks to our planning system we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what many for too long have lacked the courage to do – tear it down and start again.”

## **What is being proposed?**

- Fundamental changes to the development plan system
- Removal of the Duty to Cooperate
- Statutory timescales for plan preparation
- Moving towards a zone based system
- Removal of need for sustainability appraisals of plans



# The Development Plan system

Local Plans would be simplified and would focus on identifying three categories of land:-

- Growth areas that are suitable for substantial development
- Renewal areas that are suitable for development
- Protected areas to be subject to stringent controls

There would be a statutory presumption in favour of development specified in the plan

# Growth Areas, Renewal Areas and Protected Areas

- Within defined 'Growth Areas' outline approval would automatically be granted for forms and types of development specified in the plan.
- '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 with a statutory presumption in favour of development specified in the plan.'
- 'Protected Areas which would include Green Belt, Conservation Areas and Areas of Outstanding Natural Beauty would be subject to development control and full planning applications would be required for new schemes.'

# Changes to Local Plans

- Local Plans would be subject to a single and 'simplified' statutory 'sustainable development' test to replace the existing tests of soundness.
- The new test would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State and would be less prescriptive about the need to demonstrate delivery.
- Instead of general policies for development 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

# Further changes

- The 'Duty to Cooperate' would be removed with further consideration 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.
- Consideration is being given to abandoning the five year housing land supply requirement but maintaining the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.
- There would be a statutory timetable for the production of the new style local plans with a requirement to produce one in 30 months or 42 months for those authorities with an up to date plan.
- The abolition of sustainability appraisals would be replaced with a simplified process for assessing the impact of plans to satisfy the requirements of UK law and international law and treaties



# Yet more changes

- Local Plans would have a standard template, be visual and map based and be based on the latest technology.
- Planning would become more digitised and moved towards a process driven by data.
- Local Planning Authorities would be helped to use digital tools to support a new civic engagement process for local plans and decision making.
- There would be a 'fast track for beauty' wherein proposals for high quality development that reflect local character and preferences would benefit from automatic permission with new development expected to create a net gain to areas' appearance.
- Locally prepared design codes would be made more binding on planning decisions with a new national body to support design codes across the country.

## Still more changes

- The standard housing need method would be changed so that the requirement would be binding on local authorities to deliver through their local plans.
  - “The new method would be a means of distributing the national house building target of 300,000 new homes annually and 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.
- A new ‘single infrastructure levy’ will replace the existing system of developer contributions through Section 106 and the Community Infrastructure Levy.
- The new levy will be nationally set, a flat rate charge based on the final likely sales value of a development. It is intended that this will raise more money and deliver at least as much affordable housing as at present.
- The intention is that the new levy could be used to capture a greater proportion of the uplift in land value that occurs due to the grant of planning permission.
- The new levy could be extended to capture value arising from changes of use

# And even more changes

- Big building sites would be split between developers in an effort to accelerate delivery
- The NPPF will be revised 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 to allow more phases to come forward together.
- COMMUNITY CONSULTATION AT THE PLANNING APPLICATION STAGE TO BE STREAMLINED WITH A NEW EMPHASIS ON ENGAGEMENT AT THE PLAN MAKING STAGE (*My emphasis*)
- Determination of planning applications should be faster and more certain with firm deadlines. (8 weeks and 13 weeks to remain)
- Applications to be shorter and more standardised with one key standardised planning statement of more than 50 pages to justify development proposals

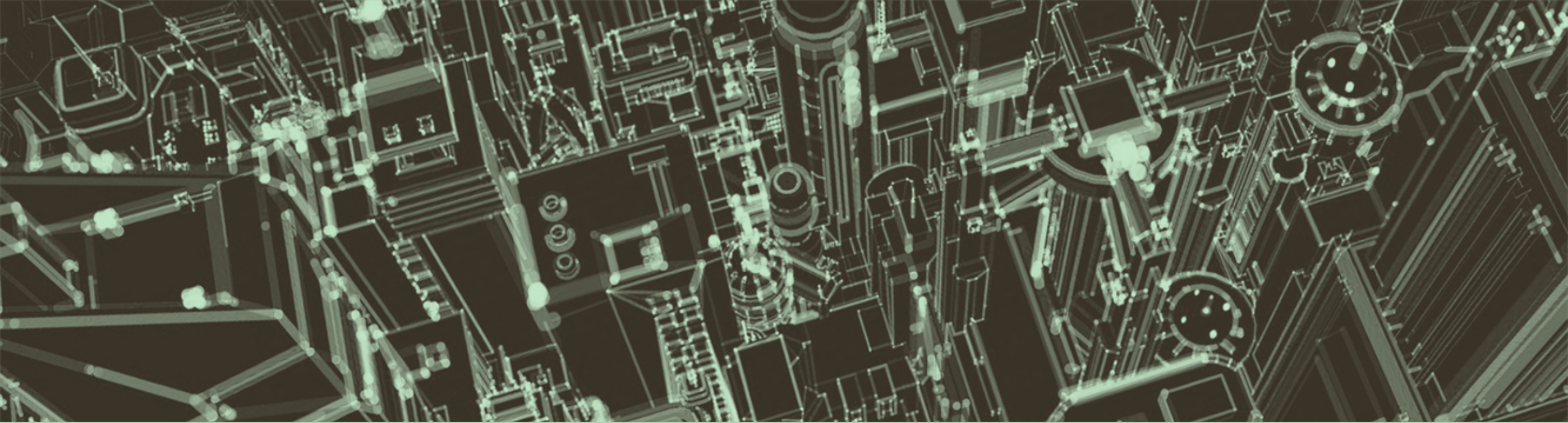
# No we haven't finished yet with changes

- Councils that fail to determine planning applications within statutory time limits would be required to refund the planning application fee and the potential for deemed consent for some types of applications will be explored.
- Where applications are refused and the decision is overturned at appeal the white paper proposed that applicants will be entitled to an automatic rebate of their planning application fee.
- Local Planning Authorities will be required to have a chief officer for design and place making.
- Fees will continue to be set nationally but should cover at least the full cost of processing the application. Pre application charging is to be regulated
- Costs of processing applications should principally be funded by developer contributions

# Last few changes

- The government has promised to develop a comprehensive resources and skills strategy for the planning sector to support the implementation of reforms
- The government want to identify and eliminate outdated regulations especially to the decision making process
- Councils will be subject to a new performance framework which ensures continuous improvement across all planning functions and to enable early intervention where problems emerge
- The suggested changes to local plans, developer contributions and development management would require primary legislation followed by secondary legislation and Ministers expect new local plans to be in place before the end of the current Parliament.





So what does this all mean?





# Do the new reforms democratise planning?

- It is not clear from the White Paper that the reforms would deliver the better outcomes that the Government are seeking.
- The purpose of the planning system is to help determine a sustainable and fair future for everyone with the planning system operating in the public interest.
- The planning system should be democratically accountable and genuinely participative
- The planning system needs to be flexible enough to deal with the current health crisis, adaptation need due to climate change and the need to address social inequalities.
- There are a number of areas which raise concern for those involved in local decision making and democracy

# Does the White Paper have the right focus?

- The main focus of the proposed changes in the White Paper are the preparation of local plans and the development management regime, particularly with regards to housing.
- Whilst the proposed changes to the Duty to Cooperate seek to address concerns about funding for essential infrastructure it is largely silent on effective mechanisms for achieving infrastructure, housing or flood risk.
- The White Paper does not address the growing momentum for strategic and regional planning and is silent on its relationship to the National Infrastructure Strategy
- The White Paper does not address carbon reduction matters, climate adaptation and the need to secure flood resilience
- Additional changes to the Development Management regime subject of separate consultation also lessen the ability of the community to shape and influence development

# What about Neighbourhood Plans and local accountability?

- The planning system was previously reformed to address concerns that it was not sensitive enough to local needs and this brought about Neighbourhood Plans.
- It is particularly unclear how Neighbourhood Plans will fit into the proposed new zonal planning system.
- There is no clarity about the scope and power of Neighbourhood Plans in the new system.
- The current proposals would appear to reduce the role of Neighbourhood Plans to local design guides

# Its all about power

- The current planning system allows for:-
  - Direct democracy through referendums on Neighbourhood Plans where they exist
  - Representative democracy operating at national and local levels to ensure that decisions are accountable to the whole electorate
  - Participative democracy to ensure that communities have real power to influence decisions in a meaningful way
  - Citizens defined civil rights to ensure that their participation is meaningful
- The White Paper reduces democratic accountability and the rights of the individual to participate

# So what about the Town and Parish Councils?

- Government White Paper on Planning for the Future
- How many times do you think the words Parish Council appear in the current pages of consultation?
- In 83 pages the term ‘Parish Council’ appears only once in Paragraph 4.26

“Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas.”

- The scope of neighbourhood plans may be extended and adapted to allow smaller areas such as streets to prepare a plan and this may impact on the Parish Council role
- Changes to the current planning system – concurrent consultation
  - How many times do you think the words Parish Council appear in the consultation document?
  - In 40 pages the term ‘Parish Council’ appears only once in Paragraph 110 “We plan to retain the current publicity requirements for statutory consultees and parish councils.”

# Right to be heard

- Paragraph 2.48 of the White Paper states that peoples' right to be heard in person will be changed with regards to local plan inquiries.
- Planning Inspectors will be given the discretion over the form that an objector's representation might take with the 'right to be heard' during a public forum removed.
- The right to appear and be heard could be replaced with the opportunity for an Inspector to call objectors over the phone or ask for further written comments at the Inspector's discretion.
- This becomes even more important when one considers the opportunity to engage in the planning application process has been severely diminished by the new proposals



So what about community participation?

- The White Paper does not contain any new rights for community participation or any opportunity for democratic involvement in the plan making process but instead reduces any opportunity for such involvement.

# Replacement of S106 and CIL

- The proposals to replace S106 and CIL with a nationally set infrastructure levy give rise to concerns:-
  - How will land be priced to ensure that values can be properly established
  - The success of such a levy will depend on reducing developer returns or profit
  - This will impact on the willingness of land owners to bring land forward for development
  - Are we to infer that Compulsory Purchase will play a role in bringing forward land owned by reluctant developers?
  - Has detailed modelling taken place that shows that the new levy will raise more funds?

# Concurrent proposed changes to permitted development rights

- Alongside the White Paper there are proposals to extend permitted development rights through a regime of prior notification, deemed consent, permission in principle and automatic permissions all of which serve to reduce the opportunity for the community to influence local decision making.

# Local Government Reorganisation

- Momentum is growing behind a move towards unitary authorities to replace District and Borough Councils
- Recent indications from the Secretary of State would suggest that this is not a top priority for government at the present time
- With the potential move towards unitary status Town and Parish Councils may face additional responsibilities in terms of becoming decision making bodies for planning

# How to respond?

- Look at the questions that the White Paper poses but ask if they cover all of the issues that are of concern?
- Consider preparing a bespoke response outlining concerns about the lack of democratic accountability in the new proposed system
- Request information on any modelling that was carried out to support the supposition that a new national levy will yield more resources than current arrangement
- State that you would wish to see increased not decreased opportunities for local involvement in decision making
- State your concerns that the proposals in the White Paper will not solve the issues the government set out as the rationale behind the proposals in the first place
- Respond by 11.45pm on 29<sup>th</sup> October 2020