

COUNCIL
8 OCTOBER 2020

Report of Director of Regeneration and Policy and Director of Regulatory Services

PLANNING FOR THE FUTURE – MHCLG PLANNING WHITE PAPER CONSULTATION

PURPOSE OF REPORT

To advise Members of the contents of the MHCLG 'Planning for the Future' White Paper and to enable the submission of comments on the scope of the consultation proposals by the deadline of 29th October 2020.

RECOMMENDATION

1. That the Officer Comments set out in Section 2 of this report form the basis of the District Council's response to the MHCLG White Paper Planning for the Future
2. That delegated authority be given to the Director of Regeneration and Policy to submit the District Council's representations by the deadline of 29th October 2020.

WARDS AFFECTED

All outside the Peak District National Park.

STRATEGIC LINK

1. BACKGROUND

- 1.1** On 6th August 2020 the Government published for a period of 12 weeks consultation a White Paper entitled 'Planning for the Future'. The purpose of which is to seek views on a package of proposals for reforming the planning system in England. The result of which the Government considers will streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. The closing date for the submissions of comments to the Ministry of Housing, Communities and Local Government is 29th October 2020.
- 1.2** By way of introduction the Government sets out that the Planning System is important to tackling the shortage of homes where people want to live and work, the challenge of climate change, improving biodiversity, supporting sustainable

growth, and rebalancing the economy. It however suggests that there are several problems with the current system:

- It is too complex, creates uncertainty and delay
- Decisions are discretionary rather than rules-based, and as a result pushes up the costs of development and stifles innovation.
- It takes too long for a Local Plan to be adopted, and even though it is a legal obligation to an up to date plan only 50% of local authorities have done so.
- Assessments of housing need, viability and environmental impact are too complex and opaque, are highly contested and do not provide a clear basis for the scale of development to be planned for.
- There is little public trust in the system, with consultation dominated by only a few willing and able to navigate the process.
- It is based upon documents not data which reduces the speed of decision making
- Negotiating developer contributions for infrastructure and affordable housing is complex, protracted and unclear. The outcome of which can be uncertain. This increase delay and risk for development
- There is insufficient focus on design and little incentive for high quality new homes and places.
- Local Plans do not provide enough certainty around the approved forms of development relying on vague and verbal statements of policy rather than visual clarity which can be provided by binding design codes.
- The system is unpredictable, too difficult to engage with or understand and favours those with the greatest resources
- It does not lead to enough homes being built in those places where the need for homes is highest.

1.3 The White Paper sets out a vision for the future planning system which:

- is more ambitious about the places created, expecting new development to be “beautiful” and to create a ‘net gain’ not just ‘no net harm’;
- moves democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
- improves the user experience of the planning system, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;
- supports home ownership, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- increases the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the

renewal of our towns and cities, and foster a more competitive housing market;

- helps businesses to expand with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- supports innovative developers and housebuilders, including small and medium-sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
- promotes the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that supports net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- creates a virtuous circle of prosperity in our villages, towns and cities, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense of place. Building more homes in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Growth making it easier to level up the economic and social opportunities available to communities.

1.4 Five strategic proposals along with twenty four more detailed proposals are set out in the White Paper. The five strategic proposals are to:

- i. Streamline the planning process with more democracy taking place more effectively at the plan-making stage, and replacing the entire plan-making legislation in England
- ii. Take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.
- iii. Bring about a new focus on design and sustainability
- iv. Improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions.
- v. Ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres.

1.5 The twenty four more detailed proposals are set out under three pillars:

- Pillar 1 – Planning for Development
- Pillar 2 – Planning for Beautiful and Sustainable Places
- Pillar 3 – Planning for Infrastructure and Connected Places

1.6 A summary of each of the twenty four proposals is set out in Appendix 1 to this report.

2 OFFICER COMMENTS

- 2.1** The following Officer Comments are provided for Members and are recommended to form the basis of the District Council's response to the consultation on the White Paper.
- 2.2** The proposed reforms in the White Paper if enacted could result in some of the most radical changes to the Planning System since the basis of the current system was introduced by the Town and Country Planning Act in 1947.
- 2.3** Having said that, it is considered that many of the concerns raised in the White Paper about the operational aspects of the current system should be acknowledged.
- 2.4** In its current form the Planning System as a whole can be considered to be very complex, with outcomes not always predictable. This is however inevitable as the planning system seeks to balance future development needs and its impact upon the local environment. Local Plans, have become increasingly lengthy and costly to prepare, as they have had additional legislative and policy requirements to address over time.
- 2.5** Similarly planning applications, particularly the more major developments, are taking longer to determine as increasing amounts of evidence are presented to justify proposals, as well as there being more engagement from within the local community. Furthermore there is often disagreement about the quality of the outcomes on the ground, which does little to foster confidence by local communities in the planning system.
- 2.6** Taking these factors into account there are aspects of the proposals such as the streamlining of the plan making process within the White Paper which if they are brought into force should reduce some of the complexity in the system. It is considered that any changes that are made should still seek to achieve an appropriate balance between the development needs of an area and the impact on the environmental quality, as well maintain or improve the same level of engagement by the local community.
- 2.7** Whilst the current and future planning system can facilitate the development needs of a location by allocating sites and granting planning permission for specific uses, it does not necessarily result in developers building the homes and industrial units that have been facilitated. This is often down to market conditions, and other factors which are beyond the control of the local planning authority. In such circumstances it is considered inappropriate for the Government to "penalise" local planning authorities for not delivering homes or employment land when it is beyond their control.

2.8 The following are specific comments made in respect of each of the twenty four proposals:

Proposal 1	<p>The proposed changes to the allocation of land would effectively introduce a zoning based system into the UK, where in the Growth Areas, and Renewal areas specific uses would be “pre-approved” subject to development meeting the rules for that zone and its sub areas. These proposals would meet the Government’s aspirations for a more rules based system rather than the current policy based approach.</p> <p>There is, however, concern that in an area like Derbyshire Dales that a three zone approach is over simplistic and does not recognise the high environmental quality of the area which, despite large areas not being specifically designated as having environmental importance, has a significant influence on the capacity of the local planning authority area to accommodate new growth. A more nuanced approach to zoning is considered much appropriate – and one which allows local planning authorities the choice about how to designate areas of land in their Local Plans.</p> <p>The development of new style interactive web-based Local Plans would be an evolution, rather than radical change, of current practice. However it is considered that in taking forward more visually based Local Plans, care would need to be taken within Government guidance, to ensure that the correct emphasis is placed on the weight given to the visual aspect of a plan. In a similar manner to Supplementary Planning Developments the visual aspects should guide, not form part of the rules for each zone.</p>
Proposal 2	<p>Those developments that would not be “pre-approved” by virtue of not being including within the zoning rules would still require the benefit of planning permission and other consents, which are currently being made locally based upon Local Plan policies.</p> <p>The White Paper infers from this that for those developments continuing to require permission/consent there would remain a discretionary policy approach to their approval. Yet at the same time the White Paper suggests that plans would contain development standards (codes) not long lists of policies, all of which are machine readable.</p> <p>If the Government is intent on a rules based approach to decision making then it is considered that references to a policy based approach should be removed. Furthermore, given local knowledge, it is considered that any rules/codes for assessing development proposals should be set locally. The NPPF</p>

	<p>should be limited to setting a national strategic framework for bringing forward land nationally.</p> <p>Whilst the Government seems to support the continued use of Neighbourhood Plans, give the suggested reforms in the White Paper it is not exactly clear what role they will play going forward. Further clarification of what role Neighbourhood Plans will have going forward is considered necessary.</p>
Proposal 3	<p>The current system of environmental assessment of a Local Plan is complex, lengthy and costly to local planning authorities. Any simplification in the approach is to be welcomed. However at the same time any revised system must continue to be able to draw out the key impacts, and be allowed to influence the outcome of a plans preparation.</p> <p>The removal of the Duty to Cooperate test will remove the potential for conflict between local authorities over for example the distribution of housing numbers and the capacity of neighbouring authorities to accommodate additional development. However for some areas the removal of this requirement will necessitate the introduction of alternative procedures to ensure that locally strategic cross boundary matters are adequately addressed.</p> <p>In terms of the delivery of infrastructure, the suggested approach appears to assume that local authorities will deliver all infrastructure needs. This is not the case in two tier authority areas, where in most cases close co-operation is required between the local authority, County Council and the relevant agencies.</p>
Proposal 4	<p>If the Standard Methodology is to become binding and used for determining the level of housing required in Local Plans and avoid costly (both financial and time) debate then it is considered that the formula used in the Standard Methodology should include some type of environmental factors which recognises the extent to which a local authority is environmentally constrained whether that be National Park, Green Belt or SPA/SSSIs for example.</p> <p>Whilst the suggestion that the resulting housing figure should look forward a minimum of 10 years it is considered that to enable Local Plans to set policy for a sufficient timeframe into the future that this should be extended to a minimum of 15 years from adoption of the Local Plan – the same timeframe as set out in the NPPF.</p>
Proposal 5	<p>In principle the allocation of a site within a Local Plan under the current system should lead to the granting of planning permission for a development proposal that is in accordance with its allocation. However the current system still requires</p>

	<p>the submission of a planning application even if it is in accordance with the site allocation.</p> <p>Under the new proposals such a requirement would be done away with in Growth Areas with full permission focussing on design and site specific technical matters. A more general presumption would apply in Renewal Areas, although not mentioned this would still require the submission of an application for planning permission.</p> <p>If the Government wants to have a more streamlined planning system it would seem illogical to have a subtly different approach in the different zones, despite both essentially being supportive of development. It would be more transparent if permission were automatically granted for developments that meet the all requirements of that particular zone. Only those developments not in accordance with the zone would require the benefit of an application for permission.</p> <p>Even in Protected Areas there should be scope for some developments to be brought forward where they are in accordance with the scope of the local zoning requirements.</p>
Proposal 6	<p>Having set deadlines will make the timescales for the assessment of planning applications much more transparent to the local community. Consistently achieving the deadlines will provide confidence in the local planning authority. As such it is to be welcomed.</p> <p>Changes to Local Plans should reduce the number of planning applications received, and thereby enable a local planning authority to focus its resources delivering a timely development management service.</p> <p>More digitisation and automation of the planning system will require the appropriate technology to be in place, and will need financial support from the Government. The White Paper does, however appear to indicate that additional funding will be available to local planning authorities to enable such changes to be made. The automation/digitisation process will result in less involvement by Officers, Members and the local community in the determination of planning applications.</p>
Proposal 7	<p>The development of new style interactive web-based Local Plans would be an evolution, rather than radical change, of current practice. However it is considered that in taking forward more visually based Local Plans, care would need to be taken within Government guidance, to ensure that the correct emphasis is placed on the weight given to the visual aspect of a plan. In a similar manner to Supplementary Planning Developments the visual aspects should guide, not form part of the rules for each zone.</p>

	<p>There is always a balance to be had between seeking to encourage more community involvement, and the impact that it has on the actual preparation of the Local Plan. Saying that community engagement in Derbyshire Dales has always achieved high levels, regardless of the format of the plan being prepared.</p>
Proposal 8	<p>This is a very ambitious timescale for the preparation of Local Plans. It will require adequate resources and excellent project management skills to achieve. Although the suggested review of the Derbyshire Dales Local Plan will be undertaken over a period of approximately 35 months with the changes suggested to statutory timescales a 30 month timescale could be achieved.</p> <p>At this time the proposed transition period, on advice from the Planning Advisory Service, should allow the review of the adopted Local Plan to be completed</p>
Proposal 9	<p>There are currently three 'made' Neighbourhood Plans within the Derbyshire Dales local planning authority area, and a further two in the latter stages of preparation. In those areas where they have been prepared they have resulted in local engagement in the planning process, and have added value to the policies and proposals in the adopted Derbyshire Dales Local Plan.</p> <p>The continued use of Neighbourhood Plans within the reformed planning system is welcomed, provided they continue to add value, and are not considered by local communities as potential tool to block development. Furthermore without adequate support local communities will struggle to deliver Neighbourhood Plans in a timely manner.</p> <p>There is no reason why localised rule-based codes for development could be brought forward in small areas, however it is considered that they should be part of a wider Neighbourhood Plan, where the linkages to other areas can be seen.</p>
Proposal 10	<p>A mix of development types on a sites is to be welcomed as it will ensure that the variety of local needs can be met.</p> <p>The provision of faster build out rates is to be supported, as this will provide the development that is required to meet local needs. However the focus should be placed on developers being encouraged to achieve faster build out rates, and the Government should not seek to penalise local authorities if the required build out rates are not achieved.</p>
Proposal 11	<p>If design codes are to be effective it is considered essential that they should be prepared locally, ensuring that they are, of course in line with national guidance.</p>

	<p>Whilst the White Paper suggests they would be given ‘weight in the planning process’, given the aspiration for a rule based planning system, logically it should follow that local design codes become part of the rules. As it stands it could be inferred that they could be akin to a local plan policy with some element of discretion about their use in the decision making process. As such there needs to be a much clarity on their role within the future planning system.</p> <p>The involvement of the community is to be welcomed, as it will allow ownership of the codes, and it will require the local planning authority to be accountable in any decisions it makes where they are invoked.</p> <p>The preparation of local design codes will require additional resources for local planning authorities and it is considered that any new burdens funding should provide sufficient additional finance for local planning authorities to take this forward.</p>
Proposal 12	<p>Support from external agencies to take forward the new agenda is to be welcomed, provided that they are adequately resourced to support local planning authorities. The suggestion of providing additional resources to local planning authorities via the new burdens regime is also welcomed.</p> <p>Whether a chief officer post is required for each local planning authority is debatable, particularly where the quality of auditable development is already meeting the Government expectations. Furthermore the costs of such posts would be significant if required across the whole of the country.</p>
Proposal 13	<p>As Homes England is a significant stakeholder in the delivery of new homes across the country it is wholly appropriate that any development they are engaged with should reflect the aspirations set out in the White Paper.</p>
Proposal 14	<p>The introduction of a “fast-track” process for beauty suggests that development should be approved where it meets the locally approved design codes and expedited through the planning system.</p> <p>However it is considered that if site specific design codes are incorporated within a rules based system enshrined in Local Plan, then development that meets the required standards should be capable of being granted permission as of right, without the need for a fast-track system.</p> <p>The preparation, by local planning authorities of site specific masterplans will be costly, and take considerable time to produce. If local design codes incorporate sufficient detail then it is considered that there would only be limited need for the preparation of site specific masterplans.</p>

	<p>Proposals to widen the scope of permitted development rights will need to ensure that the character and appearance of the local area is not adversely affected by schemes brought forward this way. As such it is considered that the Government should be advised to incorporate sufficient safeguards in any future expanded permitted development regime.</p>
Proposal 15	<p>Many of the features that the White Paper sets out that could continue to benefit from spatially specific policies are ones that could be incorporated into a rules based Local Plan. For example important views could be included within site specific design codes. The location of renewable energy or woodlands/forestry creation could also be “zoned” – potentially as part of the Protection Area and only those types of land use brought forward in those areas, and only where the development is in accordance with the rules of that “zone”.</p> <p>The NPPF could be used to set the strategic framework for when/how these land uses are incorporated into Local Plans.</p>
Proposal 16	<p>The current system of environmental assessment is complex, lengthy and often costly to local planning authorities. Any simplification in the approach is to be welcomed. However at the same any revised system much continue to be able to draw out the key impacts, and be allowed to influence the outcome of a plans preparation.</p>
Proposal 17	<p>As a vital component of the fabric in Derbyshire Dales, any proposals that seeks to enhance the protection of historic assets is to be welcomed.</p>
Proposal 18	<p>The commitment to addressing the climate change agenda through the planning system is in principle to be welcomed. There remains the challenge as to the extent to which there is sufficient expertise within a local planning authority to ensure that any changes proposed are capable of being assessed with sufficient scrutiny through the decision making process. If insufficient training is provided to Planning Officers to enable an appropriate assessment to be made then this will result in inadequate adaptations for climate change.</p>
Proposal 19	<p>In principle the rationalisation of the two regimes for collecting financial contributions towards the delivery of local infrastructure to meet local needs is to be supported, as this will enable a much wider scope for the collection of funds for infrastructure. It is however considered that the Government should not do away with s106 Obligations entirely as they will still remain useful for the provision of other matters which help to make a development acceptable and are not related to financial contributions.</p> <p>Similarly the proposal that local authorities will be able to borrow against the new Levy to forward fund the delivery of</p>

	<p>infrastructure should also be supported. In many cases experience has shown that it takes some time for sufficient funding to build up to enable payment to be made for the provision of new infrastructure in a timely manner.</p> <p>Some of the provisions, upon which the new Levy is based would need to be tempered to ensure that it does not have an inverse impact upon local development viability.</p>
Proposal 20	<p>Whilst this has some attraction in widening the potential scope for the provision of the collection of Infrastructure Levy Fees, as there is often no notification to the local planning authority for schemes classified as permitted development there would be no trigger to send out demand notices. If there is a widening of the notification procedure for permitted development scheme then additional resources will be required to deliver this proposal.</p>
Proposal 21	<p>The use of the proposed new Levy for the delivery of affordable housing would enable the continuation of funding for a pipeline of much needed schemes across Derbyshire Dales. As such it is considered that this element of the White Paper should be supported.</p>
Proposal 22	<p>Whilst the suggestion that local authorities might spend the new Levy in a more flexible manner is to be welcomed, in reality because of the impact upon viability of development it is unlikely in Derbyshire Dales to be able to fund more than the core infrastructure obligations.</p> <p>Maintaining the Neighbourhood Share is considered reasonable, but is not clear whether securing the 25% provision will be dependent upon Parish Councils and Town Councils having Neighbourhood Plans in place.</p>
Proposal 23	<p>The reforms set out in the White Paper are some of the most radical changes to the planning system since 1947. The commitment to them being led at local authority level is to be welcomed as it maintains continuity going forward. However many of them will require additional resources and the commitment by the Government to cover the additional costs that local planning authorities will face is to be welcomed.</p>
Proposal 24	<p>This is solely a commitment by the Government to investigate changes to enhance the enforcement regime going forward. As such it is considered that the District Council should await further details before commenting.</p>

3 RISK ASSESSMENT

3.1 Legal

The White Paper is a consultation paper which has no legal status. Any reforms to the planning system which result from White Paper will require changes to both primary and secondary legislation, which the District Council will need to address at such times. At this time the legal risk is has been assessed as low.

3.2 Financial

At this time there are no financial risks to the District Council. The White Paper, does however, acknowledge that some of the reforms may lead to additional financial burdens being placed on local planning authorities. In some instances the additional financial burdens will be met by the Government. These are likely to be short term over a period of 2-3 years. At this time the financial risk to the District Council is low.

3.3 Corporate Risk

Whilst the proposals contained within the White Paper will require legislative changes, if these are brought into effect prior to the completion of the review of the Derbyshire Dales Local Plan this could have a significant impact upon costs for the District Council, as well as its ability to make, and defend decisions its makes on planning applications.

The failure to comply with statutory requirements and Government policy advice would constitute a strategic risk to the District Council. However, as this is a consultation paper, and there are unknown timescales for its implementation, the overall degree of risk to the District Council at this time is considered to be low.

4 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Description	Date	Location
MHCLG Planning for the Future White Paper	August 2020	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

APPENDIX 1

Pillar 1 – Planning for Development

The Government wants to see a planning system that provides a predictable basis for the patterns and form of development in an area. It sets out that the Local Plans system makes it difficult for users to find the information they need and the information is difficult to understand. To achieve that the White Paper sets out change is needed such that Local Plans:

- are based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- published as standardised data to enable a strategic national map of planning to be created;
- developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Proposal 1: The role of land use plans should be simplified.

It is proposed that Local Plans would only identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Growth Areas – suitable for substantial development, including new settlements, urban extensions, and redevelopment areas. Sites annotated in the Local Plan under this category would have outline approval for development

Renewal Areas – suitable for development, where smaller scale development in appropriate, including the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas. It would also include small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;

Protected Areas - this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local

Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it will continue to include gardens in line with existing policy in the National Planning Policy Framework

Local Plans would be interactive web-based maps of the administrative area, where data and policies can be easily searchable with a key and accompanying text.

In Growth and Renewal areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development).

Proposal 2: Development management policies established at national scale and an altered role for Local Plans

With the primary focus of plan-making on identifying areas for development and protection, it is proposed that development management policies contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in Growth areas and Renewal areas, established through the accompanying text.

The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings. It is proposed to turn plans from long lists of general “policies” to specific development standards.

Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development.

All development management policies and code requirements, at national, local and neighbourhood level, would be written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.

As well as the new test the proposals include the abolishment of the Sustainability Appraisal system, and the removal of the requirements in relation to the Duty to Co-operate. A lighter touch process for assessing the environmental impact of Local Plans would be developed to ensure compliance with UK and international law.

Plans would be informed by appropriate infrastructure planning, and sites would not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period.

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.

Although a standard methodology currently exists the Government argues that a standard binding methodology for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. It goes on that this has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

The proposed approach envisages 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 5-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so it is proposed to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

The Government has published a separate consultation on proposed revisions to the standard methodology which it is suggested that would be brought into effect in the short term. The implications of these changes were circulated to Members in a separate briefing paper, and comments sent to MHCLG by 1st October 2020 deadline.

Proposal 5: Areas identified as Growth 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.

This proposal would remove the need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development. In areas suitable for substantial development (Growth areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

In areas suitable for development (Renewal areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development).

In both areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. To provide confidence in the plan it is proposed to strengthen the emphasis on a planned approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

For all types of planning applications the Government want to see a much more streamlined and digitally enabled end to end process to ensure decisions are made faster. It is proposing that the time limits of 8 or 13 weeks for determining an application from validation to decision should be a firm deadline and not targets.

To achieve this the White Paper places much more emphasis on the digitalisation of the application process, automation of applications against the rules set out in Local Plans, and a reduction in the amount of key information required as part of the application. For major applications it is suggested that there is a limit of 50 pages on the accompanying documentation to justify the proposal.

As a clear incentive to determine an application within the statutory time limits it is suggested that there could be the automatic refund of the planning fee for the application if it is failed to be determined within the time limit or deemed to have been granted planning permission if there has not been a timely determination.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

This proposal envisages more Interactive, map-based Local Plans based upon common data standards and digital principles. The Government considers that by shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled, making it easier for people to understand what is being proposed where and how it will affect them. Thereby having the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones.

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 we will consider what sanctions there would be for those who fail to do so.

The Government are proposing that the preparation of Local Plans be shortened to a statutory 30 months split over 5 stages with 2 involving public engagement.

- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

- Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.
- Stage 3 [6 weeks]: The local planning authority simultaneously
 - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
 - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
- Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing – all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.
- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

A transition period is suggested of either 30 months from legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later. There would still be a requirement to review a Local Plan every five years.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

The White Paper sees Neighbourhood Plans as an important tool in helping to bring the democracy forward in planning and envisages their retention, and indeed further growth going forward. However it sets out that the Government wants to consider how their content reflects the proposals for Local Plans. There is a suggestion that such plans could be developed for very small areas such as individual streets, thereby setting their own rules about the form of development they are happy to see.

Proposal 10: A stronger emphasis on build out through planning

To address this, it is proposed to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together. The White Paper sets out that the Government will explore further options to support faster build out rates.

Pillar 2 – Planning for Beautiful and Sustainable Places

The introduction to this section of the White Paper acknowledges the role that planning can make to sustainable and inclusive recovery. It sets out that planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just 'no net harm'.

The Government consider that in recent decades this potential has not been delivered and has failed to reflect upon what is special about their local area or create high quality environments which local people can be proud of. It envisages that the reformed planning system will set clear expectations about the form of development in different locations, taking account of community preferences and the type of buildings and places in those locations. It sets out that the Government will develop further the National Design Guide by publishing a complementary National Model Design Code which provides more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

It is envisaged that locally prepared design codes will complement the National Design Guides and Code. In all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, it is suggested that local design codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will 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.

To achieve the vision will require resources, particularly in local authority design skills. The Government proposes the setting up of a body that will provide support to local planning authorities. It also recognises that this will also require greater resources for

local planning authorities which it suggests will be brought forward later in 2020. To deliver on this it suggest that effective leadership is required and hence the justification for the establishment of a Chief Officer post.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach. The Government considers that there is an opportunity for this to further and it will engage with Homes England as part of the Spending Review.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

It is suggested that this will be done in three ways:

1. Updating the National Planning Policy Framework, to make it clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval
2. Where plans identify areas for significant development (Growth areas), legislation will require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established.
3. Legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles.

It is acknowledged that further work will be required to develop this aspect of the reforms, in particular the suggested changes to the permitted development rights where a number of different alternatives are being considered and trialled.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

The Government considers that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the National Planning Policy Framework, the Government want to ensure

that it provides a clear and robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

Proposal 16: We intend to design 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.

Whilst the proposals set out in the White Paper seek to make improvements in the planning system, parallel environmental legislation is being brought forward which seeks to strengthen the way in which planning system addresses issues such as biodiversity. The Government recognises that the plan making process requires effective environmental assessment, but considers it requires simplifying from its current form.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

To ensure that the planning system maintains adequate protection to the nations historic assets it is proposed to review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, the Government want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

This sets out the Government's commitment to implementing the delivery of the Future Homes Standard as quickly as it can. It suggests that homes built under new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future the Government will explore options for the future of energy efficiency standards, beyond 2025.

Pillar 3 – Planning for Infrastructure and Connected Places

The White Paper acknowledges that new development will bring demand for new public services and infrastructure and that securing contributions for it from development by way of uplift in land value is important for both the new and existing communities. It indicates that there are problems with both the current means of securing financial contributions for new infrastructure; Community Infrastructure Levy and s106 Obligations. It goes on that both regimes should be consolidated into one 'Infrastructure Levy'.

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.

This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:

- be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
- be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold ; and
- provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.

To better support the timely delivery of infrastructure, the Government propose that local authorities would be able to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing, combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, the exemption of self and custom-build development from the Infrastructure Levy would be maintained.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

The White Paper sets out that developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site, and that it is important that the reformed approach continues to deliver on-site affordable housing at least at present levels. As affordable housing can only be funded through s106 Obligations

and not the Community Infrastructure Levy funds generated through the proposed new Infrastructure Levy would be able to be used to fund affordable housing.

The White Paper sets out that could be a mandatory requirement for in-kind on site delivery, where the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. It is also suggested that developers should be incentivised to deliver high quality design and built affordable homes, and as such where there local authorities have concerns there may be an option to revert to cash contributions.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

The current arrangement that up to 25% of the Community Infrastructure Levy be spent locally through the “Neighbourhood Share” is proposed to be retained. As there are fewer restrictions on how this funding is spent, and the Government believe it provides an important incentive to local communities to allow development in their area.

It is suggested that there could be an increase in local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax

Delivering Change

This section recognises that reform should not cause delay to development that is currently planned, and that the objective is for a smooth transition for bringing forward new plans and development proposals. It emphasises the need that alongside reforms of the planning system there is a need to make better use of surplus public sector land and level up investment in development across the country.

Local planning authorities are seen as central to delivering the changes set out in the White Paper, but it recognises that planning departments need to have the right people with the right skills and resources to implement the reforms. It argues that there must be a fundamental cultural change on how planning departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources. The White Paper sets out that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

Planning fees are envisaged to continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.

If a new approach to development contributions is implemented, a small proportion of the income could be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

Some local planning activities is envisaged still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.

The White Paper envisages an enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

There is a commitment to review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. The Government will seek to introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

Next Steps

Subject to the outcome of this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms. This consultation sets out the vision for the basis of a reformed planning system. Although not every aspect of the planning system has been reviewed the Government will continue to develop the proposals as they gather feedback and views on them.

The proposals for Local Plan reform, changes to developer contributions and development management will require primary legislation followed by secondary legislation. The expectation is that new Local Plans are to be in place by the end of the Parliament.

It is suggested that the Government will implement any policy changes, including the setting of a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.