

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: “Planning for the Future” White Paper Consultation Response

Meeting/Date: Cabinet – 22nd October 2020

Executive Portfolio: Executive Councillor for Strategic Planning, Councillor Jon Neish

Report by: Service Manager - Growth

Ward(s) affected: All

Executive Summary:

A White Paper “Planning for the future” was published for consultation commencing on 6th August 2020. Fundamental reforms to the planning system in England are proposed. These include proposals for Local Plan reform and changes to both developer contributions and development management. The proposals would require primary legislation to bring them forward followed by secondary legislation along with further changes to the National Planning Policy Framework.

The ‘Planning for the future’ reforms would have substantial implications for how the planning system would operate in Huntingdonshire and throughout England. They would alter the strategic planning relationship with neighbouring authorities and the Cambridgeshire and Peterborough Combined Authority by removing the formal ‘duty to cooperate’ when preparing development plans. The proposed changes would have significant impacts on the nature, timing and amount of public engagement opportunities in the planning system and alter the role of elected members in the decision-making processes for both the Local Plan and for development management applications.

The reforms would have significant financial implications too, potentially substantially increasing the costs of preparation of the Local Plan and associated documentation, whilst reducing income from planning application fees.

This report provides an overview of the proposed changes although it should be noted that the consultation document focuses on 24 relatively high level proposals for change which will need substantially more detail before more certainty can be obtained on the full implications for Huntingdonshire. The proposals are accompanied by 25 questions on which the government is seeking responses.

The proposed responses to the questions are presented in a bullet point format as they are still in development at the time of publication of this report. They will be presented in a more formal, paragraph based style when submitted to the Ministry for Housing, Communities and Local Government after agreement with the Executive Councillor for Planning Strategy.

The consultation runs until 30th October 2020 and full details of the consultation document can be found at:

<https://www.gov.uk/government/consultations/planning-for-the-future>

Recommendation(s):

The Cabinet is

RECOMMENDED

To provide comments on this consultation and the proposed responses and to delegate authority to finalise and submit the Council's consultation responses to the Service Manager – Growth and the Planning Policy Team Leader in consultation with the Executive Councillor for Strategic Planning.

1. PURPOSE OF THE REPORT

- 1.1 This report provides an outline of the proposals set out in the government's White Paper 'Planning for the future' and draft consultation responses highlighting how the proposals might affect the district and the Council's corporate priorities and objectives. Approval is sought for the detailed responses and their submission to the Ministry for Housing, Communities and Local Government.

2. BACKGROUND

- 2.1 Consultation on a White Paper proposing substantial changes to the planning system was launched on 6th August 2020 and closes on 30th October 2020. A briefing note was sent to all Councillors on 8th August accompanied by a briefing note sent to all Parish Council to raise awareness with them of the consultation and encourage Parish councils to consider the proposals and respond individually. This set out the fundamental nature of the proposed reforms, the three key foci for change, indications of the anticipated delivery of reforms and how the White Paper sat amongst two other consultations issued concurrently.

3. PLANNING FOR THE FUTURE WHITE PAPER – AN OVERVIEW

- 3.1 As a White Paper this provides the basis for consultation before proposals for future legislation are set out in a draft Bill. It seeks a fundamental reform of the planning system and replacement of all current plan-making law in England.
- 3.2 The government contends that the current planning system is complicated and often results in delays in delivering new homes. The White Paper proposes a complete overhaul of the planning system with the aspiration of transforming the way communities are shaped and increasing the number of new homes built and the speed at which they are delivered.
- 3.3 The proposals are very heavily dominated by housing provision and the revisions to Community Infrastructure Levy and Section 106 agreements. It gives little or no attention to the local economy, the interrelationship between development and infrastructure, the natural environment and open space, the quality of life for local people, and other necessary matters such as minerals and waste planning. The key proposals are summarised below.
- 3.4 Local Plans will become the focus of public involvement in the planning system with reduced opportunities for consultation at the planning application stage. The White Paper indicates local planning authorities should radically rethink how they engage with the public during preparation of the Local Plan, however, no proposals for how this might be achieved are put forward. There is a great emphasis on taking a digital approach to engagement.

- 3.5 The 'Duty to Cooperate' with neighbouring authorities is removed with no clear proposals on how cross boundary strategic planning could be effectively achieved. The White Paper acknowledges that further consideration will be needed on how strategic cross-boundary issues can be planned for and the appropriate scale at which plans should be prepared in areas with significant strategic challenges.
- 3.6 The current Examination system would be replaced by a single statutory 'sustainable development' test. This would replace the current tests of soundness, the Sustainability Appraisal and consideration of deliverability. No clarity is provided on how the approach would allow for consideration of alternative strategies or development proposals.
- 3.7 The primary focus of Local Plans will be to identify areas for development and protection. Local Plans will designate land into one of three categories:
- Growth areas 'suitable for substantial development' where development will be approved with the equivalent of outline permission being established at Local Plan stage
 - Renewal areas 'suitable for development' where development proposals which meet design and other prior approval requirements will be deemed to gain automatic consent; other development will need to seek planning permission via an application
 - Protected areas where development will be restricted as a result of their environmental or cultural characteristics, including conservation areas, areas of flood risk and areas of open countryside. Some protected areas will be designated at the national level.
- 3.8 In designated Growth Areas for substantial development it is suggested that detailed planning permission might be obtained in one of three ways:
- A reserved matters process for outstanding matters
 - A Local Development Order be prepared by the Council in parallel with the Local Plan and linked to a masterplan and design codes
 - For exceptionally large sites a Development Consent Order under the Nationally Significant Infrastructure Projects route could be taken
- 3.9 Local Plans will be expected to be visual and map based. They should be supported by a new standard template and based on the latest digital technology.
- 3.10 Development management policies will primarily be established at a national level with the National Planning Policy Framework becoming the primary source of development management policies. Local Plans will be expected to set clear rules rather than policies for different types of development. This limited role will focus on necessary site or area specific requirements such as height, scale and density of development within growth or renewal areas.

- 3.11 To support the transition to the new system a statutory timetable is set out for preparation of Local Plans. The timetable will vary depending on the age of the authority's adopted Local Plan. Where the Local Plan is more than 3 years old a maximum of 30 months will be allowed from the date the legislation is brought into force to prepare, submit, examine and adopt a new plan. Where a Local Plan has been adopted within the previous 3 years or has already been submitted for examination a maximum of 42 months is allowed. The timeline for updating Huntingdonshire's Local Plan to 2036 under the proposals would depend upon the date at which new legislation is brought into force. Three years from the date of its adoption would be 15th May 2022.
- 3.12 A radical digital-first approach is proposed to modernise the planning process both for Local Plans and for decision-making. This will involve facilitating people's inputs to the planning system via social media and mobile phones. Planning application processing software should be modernised and routine processes automated to speed up decision-making.
- 3.13 The White Paper heavily emphasises the government's intentions to enhance the focus on design and sustainability. Mandatory national policy will be used to address climate change mitigation and adaptation and facilitate environmental improvements. The proposals emphasise environmental sustainability, however, economic and social aspects of sustainability are neglected.
- 3.14 Neighbourhood plans are to be retained but the proposals explore whether their scope should be narrowed to focus more on design issues which poses a potential disincentive to Town and Parish Councils to prepare them.
- 3.15 The proposals suggest a significantly enhanced role for design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. These should be prepared in conjunction with the local community to ensure residents can shape the design of future development. Once in place, design codes will be binding. The expectation is that these will be produced in tandem with the Local Plan either for including within it or as supplementary planning documents. The White Paper suggests automatic planning permission be granted for proposals which reflect local character and preferences. Each local authority would be expected to have a chief officer for design and place-making.
- 3.16 Within 'Renewal areas' pattern books of acceptable designs could be used to allow pre-approval of popular and replicable designs. A limited nationally set list of form-based development types would be approved and benefit from permitted development rights. Local orders could be made to modify these based on local evidence of what options are most popular with local residents.
- 3.17 The proposals highlight the imperative of having the right people and skills within local authority planning departments to be able to

successfully implement the reforms. The need for design skills features heavily in the proposals. The White Paper states that the government will develop a comprehensive resources and skills strategy for the planning sector. The proposals anticipate some ability to refocus professional skills by stream-lining processes allowing for a more proactive approach to planning.

- 3.18 A fundamental revision of the Community Infrastructure Levy (CIL) and S106 obligation mechanisms for funding infrastructure is also included in the White Paper. These will be combined into a single nationally set value-based flat rate charge, although the White Paper does note that either a single, or varied rates could be set. The aspiration is for this 'Infrastructure Levy' to deliver more revenue for infrastructure and on-site affordable housing provision than currently and remove the need for negotiation of consideration of site viability. Current CIL exemptions may be removed.
- 3.19 A revised standard method for calculating housing requirements is proposed aimed at stopping housing supply being a barrier to building new homes. The number would be set nationally as a means of distributing the national housebuilding target of 300,000 new homes per year and would be a binding figure to be provided through Local Plans. Land constraints and opportunities should be factored in when requirements are identified. The 5 year housing land supply test would be removed but the housing delivery test would remain.
- 3.20 Speeding up the delivery of housing is also a key factor in the proposed reforms. Masterplans and design codes prepared for substantial development sites should facilitate more rapid delivery by inclusion of a variety of development types suitable for provision by different builders to allow multiple phases to come forward together.

DRAFT RESPONSES

- 3.21 The White Paper contains 24 formal 'Proposals' of changes to be made with varying levels of detail set out under each as to what the intention of the proposal is, why the change is sought and how new legislation might effect change. Some sections also include alternative options on how changes might be made. Accompanying the proposals are 25 questions, many with multiple parts. An initial response of 'yes/ no/ not sure' is sought for many followed by a request for provision of a supporting statement setting out the rational for the response. Five questions (Q 4, 15, 16 and 21) seek identification of priorities when considering a particular factor.
- 3.22 Proposed responses to the White Paper have been prepared and are attached as Appendix 1 to this report.

4. COMMENTS OF OVERVIEW & SCRUTINY

- 4.1 The comments of the relevant Overview and Scrutiny Panel will be included in this section prior to its consideration by the Cabinet.

5. KEY IMPACTS

- 5.1 Substantial impacts will arise from implementation of the proposals in the White Paper. As this is a consultation document and the proposals may be revised and will require further legislative changes to facilitate their delivery the exact impacts and risks cannot currently be identified. As drafted the proposals could have significant impacts by increasing the cost of Local Plan production, reducing revenue from planning applications, result in greater uncertainty over the delivery of affordable housing and replace the locally prepared Community Infrastructure Levy with a national approach.

6. WHAT ACTIONS WILL BE TAKEN

- 6.1 If the recommendations are approved a formal response will be submitted before the close of the consultation period on 30th October 2020.

7. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 7.1 The proposals contained within the White Paper will ultimately have significant implications for the Corporate Plan and its objectives which will cut across the 'People' and 'Place' aspirations of the Corporate Vision and how the Council will achieve its aspirations regarding 'Becoming a more Efficient and Effective Council'. However, as a consultation document the implications are uncertain as yet.

8. LEGAL IMPLICATIONS

- 8.1 None at this time as this is a consultation response.

9. RESOURCE IMPLICATIONS

- 9.1 None at this time as this is a consultation response. However, resource implications will be substantial if the proposals in the White Paper are taken forward into legislation exactly as drafted. Local Plan preparation and examination will be substantially more expensive due to the need to prepare detailed design codes and guides as part of the process. The resultant reduction in outline planning application fees arising from 'Growth Area' status being ascribed to strategic scale development proposals will negatively impact on Development Management receipts. Substantial investment will be required into technology both for hardware and software to meet the machine readable aspirations of all policy documents and planning applications.

10. HEALTH IMPLICATIONS

- 10.1 The White Paper proposals focus very heavily on housing provision and the environmental aspects of sustainable development. Very little detail is set out on how the economic and social aspects of sustainable

development will be taken into account in the new system which may reduce the level of consideration paid to the health implications of new development proposals.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 The White Paper provides the potential to fundamentally alter the way the planning system operates throughout England. The introduction to the White paper sets out a series of criticisms of the current planning system. It is acknowledged in the draft responses that some elements have been overly complex and lengthy. However, the current planning system consistently delivers more planning permissions nationally than are built, indicating that other factors are impeding delivery.
- 11.2 The proposed changes would have substantial implications for how the planning system would operate in Huntingdonshire. They would alter the strategic planning relationship with neighbouring authorities and the Cambridgeshire and Peterborough Combined Authority.
- 11.3 They could substantially increase the costs of preparation of the Local Plan and associated documentation whilst reducing income from planning application fees. The changing emphasis between Local Plans, design and development management would necessitate a significant re-prioritisation of resources within the Planning teams.
- 11.4 The proposed changes would have significant impacts on the nature, timing and amount of public engagement opportunities in the planning system. They would alter the role of elected members in the decision-making processes for both the Local Plan and for development management applications.
- 11.5 It is recommended that Cabinet provide comments on the proposed responses to this national consultation and delegate authority to agree and submit the Council's final consultation responses to the Service Manager – Growth and the Planning Policy Team Leader in consultation with the the Executive Councillor for Strategic Planning.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Huntingdonshire District Council's draft Consultation Response to the 'Planning for the future' White Paper.

13. BACKGROUND PAPERS

<https://www.gov.uk/government/consultations/planning-for-the-future>

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