

ECONOMIC DEVELOPMENT COMMITTEE

9 SEPTEMBER 2020

PLANNING WHITE: PLANNING FOR THE FUTURE & PROPOSED CHANGES TO THE CURRENT PLANNING SYSTEM

1.0 Purpose of Report

1.1 To present to the Committee two sets of proposed reforms to the planning system and to seek approval for an appropriate consultation responses to be submitted.

2.0 Background Information

2.1 On 6 August 2020 the Government published two sets of consultations in relation to the planning system: 1) The Planning White Paper: Planning for the Future, which sets out a fundamental changes to the future of the planning system; and 2) A number of proposed changes to the current system, with the intention that these are enacted earlier and in advance of any changes which arise as a result of the White Paper.

3.0 Planning White Paper Proposals

3.1 The white paper (attached at **Appendix A**) proposes the complete remodelling of the planning system based on the following approach:

- Replacing the current Local Plan system with a ‘simplified’ version. It is that Local Plans should identify only three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected*. The government has stated that it is prepared to consider other ‘binary’ approaches to planning for development.
- Development Management policies for determining planning applications set at National Level.
- Enhanced consultation via online platforms including interactive mapping.
- Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development.
- Automatic approvals would be available for pre-established development types in other areas suitable for building.
- To make design expectations more visual and predictable, it will expected that design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.
- 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.

4.0 Proposed Changes to the Current Planning System

4.1 The proposed changes (attached at **Appendix B**) relate to the following reforms:

- changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in *Planning for the Future*;

- securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19;
- extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

5.0 District Council Response

5.1 The Planning White Paper identifies a number of issues and problems with the planning system which it is argued cannot be addressed by further incremental changes to the existing system. The Government therefore proposes a series of fundamental changes to the Planning System, ones which will have a significant impact on the built environment of Newark and Sherwood, the development industry, local communities and District Council's planning service.

5.2 The White Paper contains 37 consultation questions and the Council's proposed detailed response is included at **Appendix C**. Those questions highlighted in grey are not particularly aimed at Local Planning Authorities (LPA) and 4 of the proposals do not have consultation questions. The proposed response has been drawn up by officers following discussions with the Local Development Framework Task Group. In considering the District Council response it was felt the following key issues needed to be highlighted to the Committee:

1. Whilst the document is titled as a 'White Paper,' and it is intended that legislative and regularity changes required will follow shortly afterwards, the proposals lack a significant amount of detail which makes it challenging to properly judge the impact of many of the proposals.
2. Whilst focusing on continuing to find ways to address the housing crisis is welcomed, unfortunately this appears to be in many places to the exclusion of all other concerns which need to be addressed. Matters in relation to specialist housing such as Gypsies and Traveller provision and type and tenure of housing are little discussed. Issues such as a climate change, town centres, sustainable economic growth are raised but then not discussed in any particular detail, nor are the impact of the proposed changes on these subject areas.
3. Place making is confused with design of place; this may seem to be a matter of semantics and clearly good design is at the heart of place making but in order for the Local Planning Authority or anybody else to create positive change intervention in the build environment needs to occur. If the current planning policy tools to do this are no longer available how will this occur? Similarly good design is confused with 'beautiful' design and it is proposed to reward beauty in development proposals.
4. Shifting of costs, risks and responsibilities to Local Planning Authorities; whilst simultaneously removing local discretion and decision making powers. Examples include:

- a. Given the requirement to frontload the Local Plan process by effectively granting outline consent through allocating sites for growth this means that a significant proportion of the cost of technical work required to support consent will likely have to be shouldered by the LPA. It also seems unlikely that such a process could be completed in 30 months.
- b. The new Infrastructure Levy will be payable upon completion which could result in no contributions being secured in the event of a developer collapsing leaving the District Council to pick up the responsibility for mitigating the impact of the development. Equally, there is an issue with the definition of 'completion' with development sites perhaps not reflecting the total numbers approved, often due to various re-plans and site constraints. The levy will also remove the direct link between development and the contributions that mitigate its impact; making it harder to demonstrate to the public the positive benefits of new development.
- c. With development management policies nationalised and many forms of development having deemed consent local involvement will be restricted to matters of design and without the certainty of a planning consent the LPA may well become involved in many more enforcement matters.

5.3 With regards to the proposed changes to the current system the Council's proposed responses are attached at **Appendix D**. The Council is concerned that the proposed standard methodology for new housing (which would also be used as part of the Planning White Paper) will result in significantly higher housing requirements. Research by Litchfield Planning Consultancy (with which the District Council agrees) concludes that our annual requirement for new dwelling would rise from 454 dwellings per annum to 764 dwellings per annum. Taken as a whole Nottinghamshire & Derbyshire would see a 39% increase in housing requirements. Without careful consideration of the impact of increasing housing figures inflating need will not in itself deliver additional dwellings simply unrealistic delivery figures. A lack of demonstrable 5 year land supply will simply impose (presuming the binary categorisation is 'overruled in such circumstances') more pressure for housing on sites which are not formally promoted, agreed, or managed by a plan process. It has been consistently proven that there is sufficient supply of planning permissions nationally and locally for housing. The issue is implementation of planning permissions.

5.4 There is also serious concern about raising the threshold for the provision of affordable housing to up to 50 dwellings. 57% of the supply of affordable housing in NSDC, secured from planning conditions last year were from sites below the proposed threshold of 50%. Officers are currently preparing more information on the impact of these proposed changes which will be shared with the Committee.

6.0 **Equalities Implications**

6.1 The government's consultation documents ask questions regarding the Public Sector Equality Duty however no equalities impact assessments have been published.

7.0 **Financial Implications – FIN20-21/5241**

7.1 There are no direct financial implications arising from this report with regards to responding to the proposed changes. However as and when the proposed changes are finalised the Council will need to consider resourcing and budgets to deliver the proposed reforms.

8.0 RECOMMENDATION

That the proposed consultation responses attached at Appendix C and D be approved for submission in response to the consultations; subject to any additional comments Committee may have on the consultation proposals.

Reason for Recommendation

To allow the Council to respond to the Government's consultations on the Planning White Paper and Changes to the Current Planning System.

Background Papers

Nil

For further information please contact Matt Lamb on Ext 5862, Matthew Norton on Ext 5852 or Lisa Hughes on 5865

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