

Planning for the Future White Paper (August 2020)

Summary of Consultation Proposals



1. Introduction

- 1.1. The Government is consulting on major reforms to the English planning system through Planning for the Future White Paper (August 2020). MHCLG are seeking comments on three pillars of reform, with the deadline for response being **29 October 2020**.
- 1.2. This document summarises the main consultation proposals **as described in the consultation document** and **does not represent the views or opinions of North Norfolk District Council**.
- 1.3. The three pillars to the planning reforms are:
 - **Pillar One:** Planning for development including proposals to streamline the Local Plan process.
 - **Pillar Two:** Planning for beautiful and sustainable places.
 - **Pillar Three:** Planning for infrastructure and connected places including a replacement to the current Section 106 and CIL processes for securing infrastructure contributions from development proposals.

2. The Proposals

Pillar One: Planning for Development

- 2.1. A planning system where there is more certainty that development is permitted in principle upfront is proposed. **Local Plans** (LPs) would continue to be the foundation for decision making. The proposal is to simplify the Local Plan preparation process and their content, to remove the layers of assessment and disproportionate burden of evidence, and reduce the time taken to prepare LPs.
- 2.2. LPs would be focussed on allocating enough land for development in the right places; giving certainty about what development can take place on that land; making the process for getting permission for development as simple as possible; providing communities with a genuine opportunity to shape those decisions.
- 2.3. Pillar One is proposed to be achieved through a new approach to plan making. The proposals include the introduction of a form of **zoning** and a new single

statutory **sustainable development test** at plan examination to replace the current legal and soundness tests.

- 2.4. LPs should identify three types of land, **Growth Areas** suitable for substantial development, **Renewal Areas** suitable for redevelopment and **Protected Areas** that are to be protected.
- 2.5. The LP would comprise an interactive web-based map of the administrative area where data and policies are searchable, areas and sites would be annotated and colour coded in line with the designation as areas for Growth, Renewal or Protection.
- 2.6. The LP would, for Growth and Renewal areas, set limits such as height and density as relevant and provided proposals complied with the specified criteria they would be granted Permission in Principle. *(Note – Permissions in Principle affectively replaces the need to secure Outline Planning Permission, they operate like an automatic grant of permission for compliant development and the process is not proposed to be subject to community consultation.)*
- 2.7. The Government suggests alternatives to the above proposal, including a model where Growth and Renewal are combined and to extend **Permission in Principle** to all land within the combined area. Proposals in Protected Areas and those that don't comply with the zoning 'rules' would be subject to the current planning processes.
- 2.8. Development management policies in the LP would be restricted to clear and necessary site or area requirements. The **National Planning Policy Framework (NPPF)** would become the primary source for policies for development management. There would be no space for repetition, with LPs turning from long lists of policies to specific development standards for designated zones.
- 2.9. LPA and **neighbourhood planning groups** would produce **design guides and codes** to provide certainty and reflect local character and appearance. These could be produced for the whole authority area, or for smaller areas or sites, or a combination. Design guides and codes would be produced on a twin track to the LP and be in the LP or in separate documents.
- 2.10. The consultation suggests alternatives, where development management policies are retained in LPs but policies are standardised in the way they are written, or that development management policies are allowed in Local Plans and only excluded where they duplicate policies in the NPPF.

- 2.11. The single sustainable development test would be streamlined with fewer requirements for assessments that add disproportionate delay to the plan making process. Specifically, it would simplify **sustainability appraisals**, remove the **duty to co-operate**, and a slimmed down assessment of deliverability of the plan would be incorporated into the sustainable development test.
- 2.12. Plans should be informed by appropriate infrastructure planning, and sites included in the plan should have a reasonable prospect of the infrastructure coming forward in the plan period.
- 2.13. The consultation suggests alternatives where the existing soundness test could become less prescriptive about the need to demonstrate deliverability. Instead, local authorities would need to demonstrate a stock of **reserved sites** for development.
- 2.14. LPs need to identify areas for homes, business and community facilities. The **standard method** for calculating and distributing housing numbers is proposed, with local authorities responsible for allocating land suitable for housing to meet the requirements.
- 2.15. The current system uses the **5 Year Housing Land Supply (5YHLS)**, **Housing Delivery Test** and **presumption in favour of sustainable development** to ensure enough land comes forward. The proposal would ensure enough land was planned with sufficient certainty to avoid continual demonstration of the 5YHLS. However, planned supply does not guarantee delivery, so the proposal includes keeping the Housing Delivery Test and the presumption in favour of sustainable development should identified sites fail to come forward as planned.
- 2.16. Areas mapped as being a Growth Area would not need planning permission to test the principle of development, only a planning application to resolve the details similar to current Reserved Matters applications. The adoption of the LP would approve the Principle of the Development. The detailed planning could be secured through a reformed reserved matters process, a **Local Development Order** with master plan and design codes, or a **Development Consent Order** for exceptionally large sites. This is intended to speed up the process of delivering development.
- 2.17. Areas mapped as being a Renewal Area would have the presumption in favour of development with consent for development being granted in three ways, through a pre-specified automatic route being the fast track for **beauty proposals**; through a faster application process where development is appropriate with reference to the NPPF; and through a Local or Neighbourhood Order.

- 2.18. In both Growth and Renewal Areas, proposals which are different to the plan could still come forward, however these would be the exception to improve certainty in the system.
- 2.19. Development would be restricted in Protected Areas and would require a planning application other than where permitted development rights exist and would be judged against the NPPF rather than locally adopted development management policies.
- 2.20. All applications would have a streamlined digital end-to-end process. Existing timeframes of 8 and 13 weeks would be the firm deadline, without regular use of extensions of time.
- 2.21. The proposals include a digitised application process with validation included at submission stage; automated digital routine processing so that applications within the rules have a fast tracked route; shorter, more standardised applications that are machine readable; data rich planning application registers for easy access and review; standardised technical supporting information to be available and accessible with national standards and templates developed; streamlined developer contribution process; delegation of planning decisions to planning officers where the principle of development has been established, with detailed matters for consideration being a matter for professional planning judgement.
- 2.22. Incentivised decision making within timeframes is proposed with automatic refunds where time limits are exceeded, with the proposals include '**deemed consent**' where applications have not been determined within timescales.
- 2.23. The Secretary of State (SoS) would retain the **call-in power** and applicants could **appeal decisions**, however, greater certainty through the LP process would lead to fewer planning appeals. For those that appeal, the process should be faster, digital and flexible. Where applications are refused and granted on appeal, the planning application fee would be refunded to the applicant.
- 2.24. Proposals include a new interactive web-based map standard for planning documents, these would be interactive, accompanied by a model template, with text-based components being limited to spatially specific matters, accessible on a smart phone.
- 2.25. Documents would support and improve public engagement, with updates being easier to share across all parties and the wider public. In combination with a digital planning register and digital local plans, improved transparency, productivity and decision making would be enabled across the public sector.

- 2.26. The Government wants local authorities to rethink how they produce LPs and reinvent how communities are engaged. New style Plans would need to be prepared in just 30 months.
- 2.27. To support the transition to the new system, it is proposed that LPs will be made between 30 and 42 months from legislation being brought into force, depending on the age of existing local plans. LPs will be reviewed every 5 years. Where authorities fail to get their plan in place there will be **interventions and measures** taken by the Government.
- 2.28. The Government suggests alternatives to speed up the existing examination process. The **right to be heard** could be taken away and only where an Inspector invites could a participant appear; less controversial LPs and Neighbourhood Plans could be heard by **written representation** only. It is also proposed that the examination process could be removed, and local authorities undergo a **self-assessment**, with the Planning Inspectorate (PINS) auditing a number every year.
- 2.29. Neighbourhood Plans would be retained in the reformed planning system with the proposal that they should be more focussed and reflect the proposals for LPs and be digital to support improved accessibility of users.
- 2.30. To address the low market absorption rates, it is proposed that the revised NPPF, masterplans and design codes include a variety of housing types by different builders to allow more phases to come forward together.

Pillar Two: Planning for beautiful and sustainable places

- 2.31. This autumn the Government will publish a **National Model Design Code** to supplement the **National Design Guide**, setting out more detailed parameters for development in different locations covering a range of design parameters.
- 2.32. As national guidance it is expected that the design guide, model design code and revised **manual for streets** will have a direct bearing on the design of new communities. To reflect local character, it is also encouraged that local design guides and codes are prepared wherever possible.
- 2.33. It is proposed these could be brought forward through LPs, through work with neighbourhood planning groups, and through applicants bringing forward significant areas of new development.
- 2.34. The proposals are that the different routes for bringing forward design guides and codes should remain and that effective inputs from the local community would

need to be secured for them to be given weight. Where this is the case the decisions on design should be made in line with the guide or code. Where these are absent the national design guide, national model design code and manual for streets will form the basis for decisions.

- 2.35. The Government proposals include LPAs having a stepped change in the skills and leadership needed across the sector, and that authorities will need support. The proposals include exploring establishing a new expert body to help authorities and indicate that the government will bring forward proposals later this year for improving the resourcing of planning departments, streamlining plan making and refocussing professional skills. Effective leadership and appointment of a chief officer for design and place making is recommended.
- 2.36. This Pillar includes a **Fast Track for Beauty**, where proposals that come forward that comply with pre-established principles of good design are fast tracked through the planning process. This is proposed to be enabled through amendments to the NPPF, legislation, and widened permitted development rights drawing on the pattern book approach. The proposals include developing a pilot programme to test the concept of the Fast Track for Beauty.
- 2.37. The Government would like the reform to play a proactive role in promoting **environmental recovery** and **long-term sustainability**. It needs to play a strong part in efforts to mitigate and adapt to **climate change**. Alongside the planning reform is the **Environment Bill**, mandatory **net gains for biodiversity**, commitments for new streets to be **tree lined**, assessing whether processes for managing **flood risk** need to be strengthened, along with a national framework for **green infrastructure**.
- 2.38. The proposals include amending the NPPF to ensure targets for mitigating and adapting to climate change and maximising environmental benefits is achieved.
- 2.39. The proposals include a simpler framework for assessing environmental impacts that speeds up the process while protecting and enhancing species and habitats in England. This would be through quicker decision-making processes, digital format, and easier to re-use and update information.
- 2.40. The proposals include reviewing and updating of the planning framework for listed buildings and conservation areas to ensure significance is preserved and where appropriate sympathetic changes that address climate change are supported. The proposals include exploring whether suitably experienced architectural specialists can undertake routine listed building consents.

2.41. The Government's ambition is that homes built under the new planning system will not require retrofitting in the future and be fit for a **zero-carbon future**. The proposal is to ensure energy performance and safety of new and retrofitted homes are monitored and enforced.

Pillar Three: Planning for infrastructure and connected places

2.42. This Pillar seeks to address infrastructure delivery and how the impacts of new development are mitigated. The Government sets out the problems with the system where there is both **Section 106 agreements** securing planning gain, and in some localities the **Community Infrastructure Levy (CIL)**.

2.43. The Government's proposal is to include **affordable housing** in 'infrastructure', that the infrastructure delivered is responsive to local needs, that it is transparent to existing residents, that new development will bring the infrastructure, consistent and simplified, and removing the need to renegotiate legal agreements. The Government could also seek to capture a greater proportion of the land value uplift that occurs through the granting of planning permission.

2.44. Through a consolidated Infrastructure Levy, a **flat rate** would be set nationally at either a single rate or specified rates, and it would be charged on the **final value of the development**, be levied at the point of occupation, include a value based **minimum threshold** below which the levy would not be charged, and provide certainty to communities and developers on the level of contribution to be collected.

2.45. This would replace the current approach, with revenues continuing to be collected and spent locally. The proposal is to allow local authorities to borrow against the infrastructure levy to forward fund the delivery of infrastructure.

2.46. The Government suggests alternatives, including that the infrastructure levy remains optional and is set locally but in the absence of s106.

2.47. The proposal would include capturing changes of use where there is no increase in floor space, and the retention of the exemption on **self-build and custom build**, there would also be the option for in kind delivery of affordable housing as a discount from market value. **First Homes** sold at a discount market value would offset the discount against the cash liability.

2.48. The Government suggests alternatives which include first refusal, cash payments in lieu, and units being sold back to raise money to purchase affordable housing elsewhere.

2.49. The proposals include the retention of the neighbourhood share of 25% where an approved Neighbourhood Plan is in place, and the government is interested in ways to enhance community engagement around how the funds are used with scope for digital innovation to promote engagement. The proposals could include more flexibility, enabling local authorities to spend receipts on policy priorities, once core infrastructure obligations have been met. In addition to community infrastructure, parks, open space, facilities, the levy could be used to reduce council tax. It may be necessary to consider ring fencing an amount for affordable housing to ensure continued high delivery.

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