

August 2020 – MGCLG Planning Consultations

Planning for the future. White Paper August 2020. MHCLG.

On 6 August, Government issued Planning for the Future. The paper proposes radical reform of the planning system. This includes a new style of Local Plan, with consequential changes for the development management process as we currently know it.

At the same time, a further consultation document proposes four short –term measures changes to the system as it currently exists, including changes to the calculation of housing requirements.

This Briefing Note summarises proposals in the White Paper. A second covers the proposed changes to the current system.

The White Paper was issued on the 6 August 2020 for a 12 week consultation period ending on 29 October 2020.

The proposals are designed to:

- To address delay and speed up development; reduce risk for developers; address complexity and political argument
- Improve public trust and engagement
- Improve design and build quality

They seek to:

- Streamline the planning process and replacing the ‘entire corpus of plan-making law’ – moving to a rules based decision making system rather than the current discretionary, case by case system(Emphasis on proactive place-making)
- Introduce a radical, digital first approach to modernise the planning process – driven by data rather than documents
- Bring a new focus on design and sustainability
- Improve infrastructure delivery through freeform of developer contributions
- Ensure more land is available for homes and development and to support renewal of town and city centres

The proposed changes are based on 3 pillars summarised as follows:

Pillar One – Planning for Development

A new approach to plan-making is central to the proposed reforms. The role and content of plans and the process of production will be simplified.

Plans will identify three categories of land (across the whole plan area) on a colour coded digital interactive web-based map :

Growth Areas

- suitable for substantial development (new settlements, urban extensions, major redevelopment sites

Renewal Areas

- Suitable for development and covering existing built areas
- Infill development and gentle densification; small sites in or on the edge of villages

Protected Areas

- At a range of spatial scale eg AONB's , Open Countryside, Gardens

In Growth and Renewal areas, the plan will list suitable uses and establish design parameters (eg height and density) – established locally but informed by permitted development flexibilities and National Model Design Code

Sub- area categories can be used in Growth and Renewal areas and Growth Areas will be expected to include sub-areas to promote self and custom build and community-led housing

For Protected Areas, the plan will explain what is permitted by cross reference to the National Planning Policy Framework (NPPF)

Streamlined and more engaging plan-making process covering five stages:

Stage1 6 Months	Stage 2 12 Months	Stage 3 6 Weeks	Stage 4 9 Months	Stage 5 6 Weeks
LPA calls for suggestions for areas for the 3 categories Public engagement	LPA draws up Plan and produces evidence	Plan submitted for Examination and published for the public to comment on	Inspector considers whether the three categories are sustainable All parties right to be heard Inspectors changes binding	Local Plan map, key and text finalised and come into force

In addition:

- Development Management policies will be established nationally
- Emphasis on plans will be development parameters/standards – informed by design codes that will 'twin track' plan production
- Plans to be more visual with an ability to be digitally 'screened'
- Simplified Sustainability Appraisal process
- Tests of soundness to be replaced with one sustainable development test
- Duty to co-operate removed
- New standard, binding method for establishing housing requirements. Removal of 5 year supply requirement but retention of Housing Delivery Test
- Statutory duty to adopt a new Local Plan – no more than 30 months from legislation coming into force or 42 months for those that have adopted a plan in the previous three years
- Neighbourhood Plans to be retained but content to reflect national proposals for Local Plans
- Larger development sites to be developed by multiple developers to improve build out rates

Streamlined Development Management Process with automatic planning permission for schemes in line with plans

Growth Areas	Renewal Areas	Protected Areas
Outline permission conferred on adoption of the plan	For pre-specified forms of development , a new permission route giving automatic consent if design and prior approval requirements are met	Planning Applications as at present
Detailed permission secured either by a reformed reserved matters process; Local Development Order (which could be linked to master plans and design codes); Development Consent Order under Nationally Significant Infrastructure regime	Faster planning application process for other types of development Use of Local or Neighbourhood Development Orders	

In addition:

- Emphasis on plan-led approach to be strengthened in legislation
- General Development Management policies to be included in national policy
- Greater digitalisation of the application process
- Shorter and more standardised applications

Pillar Two – Planning for Beautiful and Sustainable Places

Creating Frameworks for Beauty

- National Design Guide and National Model Design Code- parameters for development in different types of location
- Local Design Codes prepared by LPA’s or developers to inform plan-making or development proposals, providing effective input from local communities can be demonstrated

Fast-Track for Beauty

- Swift approval for schemes that comply with local design guides
- In growth areas, master-plan and site specific code required as a condition of permission in principle granted through a local plan
- Widen and change the nature of permitted development in Renewal Areas – pattern books

Stewardship and Enhancement of the Environment

- Mandatory net gains for biodiversity
- All new street tree lined
- National framework of green infrastructure standards
- Revisions to Environmental Assessment process
- Review of planning framework for Heritage Assets
- Improvements in energy efficiency standards with ambition that all new homes built under the new planning system will not need retro-fitting in the future

Pillar Three – Planning for Infrastructure and well connected places

Consolidated Infrastructure Levy

- Flat rate, value based charge set nationally
- Affordable housing to be provided via the Levy (in kind delivery)
- Charged on final value of development
- Value based minimum threshold where no charge would apply
- Revenue collected and spent locally
- Scope of levy extended to cover change of use
- Neighbourhood share retained

Implications

Much will depend on the detail that will be included in the legislation, although a number of implications are immediately apparent.

Plan-making process/timetable – the Local Plan review will not follow the process which has been the basis of discussion with the LPWP to date. The Council will need to follow the new plan-making process. The work that can be undertaken in advance of the new legislation can be considered by the Local Plan Working Party. The Local Development Scheme and Statement of Community Involvement reports which are currently scheduled for consideration by the Policy and Resources Committee in the autumn, are no longer necessary at this point.

Investment in technology – The emphasis on the use of technology to support a digital planning service cannot be understated. There is an expectation that digital and geospatial capability and capacity will be created with technology to support public engagement, interactive mapping and digital application services.

Income – The move to a ‘rule-based’ system will reduce the number of planning applications that are received with consequential impact on planning fee income. There is also an expectation that a proportion of Infrastructure Levy will be used for Planning Authorities to cover some of their planning costs

Contributions – the proposed changes via the Infrastructure Levy, should result in increased money raised. However, the proposed use of the money to pay for on-site affordable housing provision will require a significant proportion to be used for that purpose.

Next Steps

A response to the consultation needs to be submitted before 29 October 2020. Report to be considered by the Policy and Resources Committee on the 24 September 2020.