

PLANNING WHITE PAPER

Cabinet - 27 October 2020

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Decision

Also considered by: Development & Conservation Advisory Committee - 20 October 2020

Key Decision: No

Executive Summary: This report summarises the key content of the Government's Planning White Paper and includes the Council's proposed response to the document.

This report supports the Key Aim of: Protecting the Green Belt and Supporting and developing the local economy

Portfolio Holder: Cllr. Julia Thornton

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Recommendation to Development and Conservation Advisory Committee:

That the Development and Conservation Advisory Committee notes the content of the report and recommends to Cabinet that the proposed response to the Planning White Paper should be approved and submitted to the Government, in advance of the submission deadline of 29 of October 2020.

Recommendation to Cabinet:

That Cabinet approves that the proposed response to the Planning White Paper be submitted to the government, in advance of the submission deadline of 29 October 2020.

Reason for recommendation:

To ensure that the Council's views on this important emerging national policy document are passed on to the Government, so they can be taken into consideration.

Background and introduction

- 1 Planning for the Future, the Government's Planning White Paper was published for a 12-week period of consultation on 6th August 2020. The document sets out a series of proposed reforms to the planning system

which, in the Government's view, will help to build the homes the country needs, bridge the generational divide and recreate an ownership society in which more people have the dignity and security of a home of their own. The proposals are described as being at the centre of multiple national challenges, including the shortage of high quality homes and places, combating climate change, rebalancing the economy and supporting the construction sector.

- 2 The proposed reforms to the system are presented as three pillars of:
 - **Planning for Development:** related to changes in the preparation of Local Plans and the Development Management system;
 - **Planning for Beautiful Places:** to improve design and placemaking; and
 - **Planning for Infrastructure and Connected Places:** which seeks to meet the demands for public services and infrastructure generated by new development.

- 3 Fundamentally, the proposals are presented in the light of the Prime Minister's foreword to the White Paper:

'Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do - tear it down and start again.'

- 4 This report explains the key content of the White Paper, the implications for Sevenoaks and introduces the Council's proposed response, which is attached at Appendix 1.

Summary of Proposals

- 5 The White Paper contains a far from concise preamble of four separate sections, comprising an introduction to the problems with current planning system, a vision for England's new planning system, a summary of the proposals and a description of the changes that will emerge, should the proposals be implemented. The key points are:
 - A more streamlined, democratic planning process and the replacement of all plan making law in England. Key aspects of the proposals include a simplified and standardised structure for Local Plans, which should identify areas for growth, renewal and protection. Other aspects of the proposals include a single, sustainable development test for plans and a statutory 30-month timescale for their production. The duty to co-operate and sustainability appraisals will be abolished.

- A ‘digital first’ approach to the planning process. Local authorities will be encouraged to use digital technology in the process of plan making and decision taking.
- An increased focus on design and sustainability. In particular, the establishment of design codes will be central to the delivery of beautiful places.
- The need to improve infrastructure delivery in all parts of the country, including a reformed system of infrastructure charging.
- A new nationally determined housing requirement for each local authority, which is proposed to speed up construction

Content of the White Paper

- 6 A summary of each of the three pillars and the implications for Sevenoaks, are set out in the following paragraphs. Many of the proposals are high level and remain undefined.

Pillar 1: Planning For Development

- 7 Proposals to simplify the production and content of Local Plans and the Development Management system lie at the heart of the White Paper. Land use plans, including Local Plans, will be expected to identify only three types of land:
- **Growth Areas:** These are areas of substantial growth, including land for comprehensive redevelopment. The term ‘substantial’ appears to refer to former industrial sites, potential urban regeneration opportunities, growth around Universities and clusters of employment uses. The concept of growth is focussed primarily on the delivery of residential uses.
 - **Renewal Areas:** Are identified as being suitable for ‘gentle densification’ and would be subject to a presumption in favour of sustainable development.
 - **Protected Areas:** Relate to significant environmental or cultural designations. In particular, the Green Belt and Areas of Outstanding Natural Beauty (AONB) would continue to be subject to existing levels of protection.
- 8 New style Local Plans are expected to be predominantly web-based with supporting text to identify the types of uses that will be suitable in growth and renewal areas.
- 9 A further key proposal under this pillar is the establishment of a national system of development management policies in the National Planning Policy Framework (NPPF). Whilst locally specific policies will be permissible, there is no provision for the generic repetition of national requirements. Policies should be presented in ‘machine-readable’ format, so that planning applications can be automatically screened to determine acceptability.

- 10 Streamlining of the development management process would occur by automatically granting outline planning consent for the principle of development in growth areas, with subsequent planning applications focusing only on the resolution of detailed outstanding matters. A faster, more streamlined development management process is also proposed through the use of digital technology and more standardised planning applications. The requirements for supporting information with planning applications will be shortened.
- 11 Local authorities will be expected to determine planning applications within statutory timeframes. Application fees may be returned to applicants, where these targets are not met.
- 12 Local Plans will be subject to a single, as yet undefined, statutory sustainable development test. The current requirement to prepare sustainability appraisals and discharge the duty to co-operate will be removed from the system.
- 13 The number of new homes that each local authority is required to deliver each year (the housing requirement) will be calculated centrally, using a standard algorithm-based method. This new approach, which takes account of the proportion of 'protected land', will be a statutory obligation.
- 14 Local Plans are proposed to be visual and map based, with a reduced requirement for local authorities to prepare supporting evidence. The government proposes a statutory 30-month timescale for production and local authorities that fail to meet this requirement will be at risk of Government intervention.
- 15 In essence, many of these proposals reflect the Government's shift away from 'documents to data'. Whilst the system of Neighbourhood Plans is proposed to be retained, they too will move to a digital format. New provisions are proposed to be introduced to allow detailed street level development criteria.
- 16 As a parting shot for pillar 1 proposals, the White Paper acknowledges the need to speed up the delivery of development, following the findings of the 'Letwin Review', that build out rates on large residential developments can be slow. Further options to speed up build out rates are proposed to be explored.

Implications for Sevenoaks

- 17 More detail is needed on many of the proposals to assess their impact on Sevenoaks. However, key implications emerging from the pillar one are:
 - The outcome of the proposed binding housing requirement remains unclear, however it could result in a higher housing target for the District.
 - Reduced scope to take account of local circumstances in planning decisions.

- Whilst it is agreed that the plan making process could be improved, a ‘one size fits all’ 30-month timescale will be difficult to achieve. The Council has sought to produce its plan in the shortest possible order, however effective policies should be guided by robust evidence and community engagement. There are no short cuts in either of these processes.
- The Council will need to reclassify all proposed allocations as either growth or renewal areas or areas of protection.
- Digital technology has already been embraced to publicise emerging plans and engage with local communities. However, the use of algorithms is unlikely to deliver effective planning decisions.

Pillar 2 - Planning for beautiful and sustainable places

- 18 A key proposal emerging from pillar 2 is the increased use of local design codes to deliver greater certainty regarding design expectations. The Government has proposed to investigate an appropriate organisational structure to assist in the production of local codes, including their relationship with the National Design Code. Overall, greater weight will be given to all aspects of design and the subjective concept of beauty in the planning process.
- 19 The White Paper proposes three ways of embedding the already established ‘fast track to beauty’ into local and national policy. Firstly, the NPPF will make clear that schemes which comply with the local design code have a ‘positive advantage and greater certainty of swift approval’. Secondly, growth areas will require a masterplan and site-specific codes as a condition of a permission in principle. Thirdly, popular and replicable forms of development will be subject to permitted development procedures, to support the intensification of areas of renewal.
- 20 In essence, this final suggestion signals the revival of a ‘pattern book’ principle, where a series of form-based development types would benefit from permitted development. The nature and scale of these proposals are currently unclear.
- 21 A further key aspect in relation to the creation of beautiful places is to ensure that places and spaces reflect to Government’s commitment to mitigating climate change. In addition to encouraging sustainable forms of transport, the document suggests more detailed measures, such as ensuring that all new streets are tree lined. It is interesting to note that an alternative to the current mechanisms of sustainability appraisal and Strategic Environmental Impact Assessment, which are governed by European Law, will be introduced when the UK leaves the European Union.
- 22 In addition to these measures, the Government is seeking to introduce changes that will make buildings more energy efficient. From 2025 onwards, there will be an expectation for all new homes to produce 75-80% lower CO2 emissions.

Implications for Sevenoaks

- 23 The key implications emerging from the pillar 2 proposals are:
- An increased focus on the production of local design guidance.
 - The efficiency of buildings and spaces will be given much greater priority.

Pillar 3 - Planning for infrastructure and connected places

- 24 Notwithstanding the certainties surrounding the current CIL process, the Government refers to the financial pressures created by the requirement for payments to be made before new homes are delivered on site. It is also noted that local authorities are generally slow to spend receipts.
25. A key aspect of the White Paper is the replacement of current CIL and Section 106 regimes with a single consolidated infrastructure levy. This will be based on a flat rate charge set nationally, as either a single or area specific rate. A further significant change from the current system is that the levy would be applicable to permitted development changes. In addition, the charge would be used to fund affordable housing provision, which is currently delivered through the Section 106 mechanism.
- 26 A further aspect of the proposals is increased flexibility for how receipts are spent, once infrastructure needs are met. Views are sought on whether receipts could be used to fund non-infrastructure items currently financed through Council tax.
- 27 Further details of these proposals and the potential risks to the Council will be outlined to members at the meeting.

Implications for Sevenoaks

- 28 The key implications for Sevenoaks emerging from the pillar 3 proposals are:
- Depending on the level of the proposed national charge, there may be an increase or decrease in the Council's income.
 - The Council may be able to buy affordable housing and borrow money against the levy.
 - A more simplified infrastructure charging regime and greater flexibility in spending contributions.
 - Greater flexibility in determining the nature and form of affordable housing in the District.

Consultation and feedback

- 29 Officers circulated a series of briefing videos to members on 9 September 2020, setting out the key content of the White Paper, the implications for

Sevenoaks and initial responses to the consultation questions. Follow up online question and answer sessions were held on 13 and 15 September. Key issues raised by members during these sessions were:

- The response to the consultation should highlight the unique nature of development constraints in Sevenoaks.
- Emphasis on striking a balance between the protection of the Green Belt and meeting housing need.
- Concerns expressed regarding affordable housing delivery in Sevenoaks
- Digital methods of plan making, decision taking and consultation are not always appropriate.
- Housing delivery is not entirely dependent on local authorities and requires developers to build out consents.
- Queries were raised regarding how neighbourhood plans will fit into the process.
- No mention of locally listed buildings.
- How do the proposals for design and beauty fit with the increased scope of permitted development?
- Very little on how local authorities will secure infrastructure through the levy.
- Further detail needed on whether there is scope for area specific rates. The removal of CIL and S106 is not necessarily welcomed.
- The proposed affordable housing threshold of 40 units is not supported and will reduce the delivery of affordable homes in Sevenoaks.

Council's Response to the White Paper

- 30 The Council's proposed response to the White Paper, which takes account of the points raised by Councillors during the Q&A sessions, is attached at Appendix 1 of this report.

Next Steps

- 31 Subject to approval, the Council's response will be submitted to the Government in advance of the close of the consultation period on 29 October 2020.

Key Implications

Financial

There are no financial implications regarding this report.

Legal Implications and Risk Assessment Statement.

There are no legal implications regarding this report.

Equality Assessment (Compulsory heading - do not delete)

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero

This has been addressed in the main report.

Conclusion

Officers will be happy to take any questions regarding the content of the White Paper and the Council's proposed response to the consultation at the meeting.

Appendices

The Council's Proposed Response to:

Pillar 1: Planning for development

Pillar 2: Planning for beautiful places

Pillar 3: Planning for Infrastructure and Connected Places

Background Papers

Link to the White Paper document.

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

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