

Report title: Planning for the Future – The Planning White Paper		PSEG/09/20 AGENDA ITEM 5
Report to: Place Services and Economic Growth Policy and Scrutiny Committee		
Report author: Matthew Jericho, Spatial Planning and Local Plan Manager		
Date: 24/09/20		For: Noting
Enquiries to: matthew.jericho@essex.gov.uk		
County Divisions affected: All Essex		

1. Purpose of Report

- 1.1 To provide the Place Services and Economic Growth Policy and Scrutiny Committee with an overview of the Government's Planning White Paper (PWP) and outline potential implications and issues that Essex County Council may wish to consider in our consultation response.

2. Next Steps

- 2.1. Members are asked to discuss the item with officers and make recommendations.

3. What's Proposed in the PWP?

- 3.1 The premise of the PWP is the need for fundamental reform of the planning system to address what the Government sees as its underlying weaknesses and to create a system fit for the 21st Century. The Government thinks the planning system is old, complex, has lost public trust and lacks clear rules on what can and cannot be done.

Simplified Local Plans

- 3.2 Local Plans will set clear "rules" rather than general policies for development and will identify all land under three categories or what some have called "zones".
 - Growth Areas - suitable for "substantial development" (urban extensions, new settlements, major regeneration sites) and where outline approval for development would be automatically secured for forms and types of development specified - this could include new homes, hospitals, schools, shops and offices etc. The extent of detail to be included within these areas is yet to be determined but there is an indication that it could include set parameters (e.g. height, density, massing etc.) along with masterplans etc.
 - Renewal Areas – existing built areas where smaller scale development and densification is appropriate. A new statutory presumption in favour of development would apply to the uses specified and if a scheme meets design and other prior approval requirements, applications would be granted consent.

- Protection Areas - preserving the green belt, national parks, areas of outstanding natural beauty and conservation areas. Planning applications would be assessed against a new National Planning Policy Framework (NPPF).
- 3.3 Local plans will be more focused, identify site and area specific requirements and can be supported by locally produced design codes (generic or site specific). General development management policies will be set nationally in the NPPF and the Government sees plans being significantly shorter (reduced by two thirds) as they will no longer contain a long list of policies of varying specificity.
 - 3.4 At examination, Local Plans will be subject to a single statutory “sustainable development” test replacing the existing tests of soundness, and the government is seeking to abolish Sustainability Appraisals and other “unnecessary assessments and requirements” while at the same time updating requirements for environment and viability assessments. There will also be a new “deliverability” test. The new NPPF would make it clear that sites should not be included in local plans where there is no reasonable prospect of infrastructure coming forward within the plan period.
 - 3.5 The duty to cooperate test will be removed but the PWP states “further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges”.
 - 3.6 Local Plans are to be in place within 30 months of new system “going live”. Local Planning Authorities (LPAs) and the Planning Inspectorate will be required through legislation to meet a statutory timetable, and there will be sanctions if not met. There is only one public consultation stage. The timetable is below.

Call for areas/zones	6 months
Prepare Local Plan and evidence	1 year
Submit / Consult	6 weeks [first time anyone has seen the plan)
Examination	9 months
Adoption	6 weeks

- 3.7 Community engagement is front loaded to the local plan stage and consultation at the planning application stage will be “streamlined” as it adds delay to the process and allows a small minority of voices to shape outcomes.
- 3.8 Enforcement powers and sanctions will be strengthened to provide community confidence as the system moves to one that is “rules based”. This will require significant funding.
- 3.9 A resource and skills strategy will be prepared for the planning sector. The PWP states a strategy will be needed to support implementation and will be linked to a new LPA performance framework.

Digital-first approach to modernise planning

- 3.10 The PWP seeks the digitisation of plan making. Local Plans should be visual and map-based, using the latest digital technology and a new standard template. Plans will need to be built on standardised, digitally consumable rules and data, enabling

accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector. Proposals also seek to modernise software used for making planning applications and their case-management.

A focus on design and sustainability

- 3.11 Climate change and energy efficiency. There is an emphasis on ensuring the planning system supports climate change goals and maximises environmental benefits. The government wants to facilitate ambitious improvements in the energy efficiency standards for buildings and all new homes will need to be “zero carbon ready”, with no new homes delivered under the new system needing to be retrofitted in order to achieve net zero carbon emissions by 2050.
- 3.12 Beautiful places. The PWP emphasises the need for development to be beautiful, and to create a “net gain” not just “no net harm”, with a greater focus on placemaking and the creation of beautiful places. New streets will need to be tree-lined. A “fast-track for beauty” system would see high-quality developments automatically permitted where local character is reflected.
- 3.13 Changes to assessing environmental impacts. There will be a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing unique ecosystems.
- 3.14 Importance of design codes. Design codes will need to support local plans and will be prepared locally (if not the default will be a national code). They will be based on community involvement rather than “meaningless consultation”, and codes will be more binding on planning decisions. The government will also establish a new body to support the delivery of design codes in every part of the country, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission
- 3.15 Designate a chief officer for design and placemaking. Each LPA will need to designate a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.

New regime for developer contributions

- 3.16 Section 106 and CIL to be abolished. The reforms would see S106 (in so far as it covers financial planning obligations) and the community infrastructure levy (CIL) abolished. They would be replaced with a new nationally set Infrastructure Levy calculated as a fixed proportion of the value of the development, above a set threshold and payable on occupation (not commencement). The government states its aim is for the new levy to raise more revenue than under the current system, and deliver at least as much, if not more, on-site affordable housing. The PWP places an emphasis (and risk) on allowing local authorities to borrow against forecast levy contributions to forward fund “strategic infrastructure” rather than this being delivered by a developer.
- 3.17 Local authorities will be given greater powers to determine how funds collected through the Infrastructure Levy are used, including covering affordable housing provision. Money collected will no longer be “ring fenced” for infrastructure and

could be used to lower council tax. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities. The levy will also apply to current exemptions where a change of use takes place through permitted development rights (e.g. converting an office to residential).

Changes to how housing numbers are set, and town and city centre renewal

- 3.18 New nationally set housing numbers. The Government will set housing numbers for each LPA nationally to be delivered through their Local Plans with no opportunity to challenge. The PWP says the methodology would focus numbers on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. The methodology will factor in land constraints, including the Green Belt. The government is still committed to delivering 300,000 homes annually, and one million homes over the Parliamentary term (up to 2024).
- 3.19 Small and medium builders. Masterplans and design codes will need to be prepared for “substantial development” sites and include a variety of development types from different builders. There are also proposals to promote competition and to assist SMEs by improving the data held on contractual land arrangements e.g. options.
- 3.20 Publicly owned land and public investment will need to ensure decisions on the locations of new public buildings (e.g. government offices and FE colleges) support renewal and regeneration of town centres; and consider how publicly owned land disposal can support the SME and self-build sectors.

4. Initial officer observations

- 4.1 The PWP poses as many questions as it provides “answers” and is light on detail for many matters. It is expected that further consultations and papers will be issued by Government over the coming months, and proposals may be tied to wider local government reform (where further details are expected in the autumn). In preparing a response to the PWP, it is recommended that ECC should seek to provide views on areas where detail is needed and constructively addressing the unanswered questions and practicalities.
- 4.2 The PWP proposals require primary and secondary legislation and it is anticipated this will take 18 months to 2 years. If progressed as envisaged by the Government where the new system is in place by 2024, implementation may coincide with weaker economic conditions from COVID and Brexit and wider local government reform. Timeframes will need to be monitored to determine any impacts.
- 4.3 In the short term it is not envisaged ECC needs to fundamentally change our approach to the planning issues included in the PWP but we can continue to position ourselves and strengthen our work on issues highlighted in the PWP, and those that contribute to economic recovery work streams, such as:
- Climate change - where the recommendations coming through the Climate Change Commission can provide a robust response and contribute to initiatives.
 - Place-making and localities - where partnership working and integrating planning, economic development (growth and recovery), infrastructure, public health and the public sector estate functions already takes place and can be

seen most notably in Harlow, Colchester and Basildon town centres; and also reflected how we engage with districts in preparing local plans and responding to major development proposals. The Essex Design Guide also provides a sound basis in this area as does the recent Essex Design Quality Panel.

- The approach to delivering large scale new settlements and urban extensions - where there is an opportunity to provide views on how sites where there are often land assembly and planning challenges, need to be dealt with. The PWP suggests a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents. It also states planning powers for Development Corporations will be reviewed.

- 4.4 The PWP raises some big questions around how to encourage strategic planning and infrastructure provision across local authority boundaries for the bigger than local issues (the Government is open to suggestions given it will abolish the duty to cooperate), how in practice the new “sustainable development” and “deliverability” tests would work and, linked to that, how robust the new environmental assessment process will be. Equally as important, what will the effect of these promised changes be on current local plans? Without further incentives or assurances around their continuing effect in any transitional arrangements as the switch is made to the new system, there is a concern any current work will stop. Likewise, the private development sector may slow proposals coming forward as they look for certainty.
- 4.5 The move to a digitalised system would be transformative for the user experience and public engagement (but requires significant investment), and a more streamlined and quicker local plan process seems laudable but can it be meaningfully delivered in the timeframes advocated, where the level of detail and skill base needed to produce a sound plan will be challenging. Infrastructure providers such as ECC will need to provide more detailed information up front at the local plan stage for new “growth” and “renewal” areas, rather than deferring detail to the planning application stage.
- 4.6 While advocating and seeking to promote community engagement in the plan making stage, the Government is moving to a top down approach on matters such as limiting consultation at the planning application stage, and assigning new nationally set housing numbers which will prove challenging to allocate in a condensed local plan preparation period.
- 4.7 One area that needs considerable and careful thought is how the new Infrastructure Levy will be calculated and operate in practice. This is the least developed proposal in the PWP. Negotiating and agreeing Section 106 agreements, particularly on larger sites, remains a complex and challenging process and can be a major cause of delay. However, it does create a direct link between new development and the measures necessary to mitigate the effects of proposals. It remains to be seen how the new Levy will similarly address this complex issue and ensure mitigation at a site level is adequately funded and infrastructure delivered at the time it is required. At the very least the levy must be spent on infrastructure and clarity provided on any borrowing regime. It is unclear how the levy would be split amongst two tier authorities and effective implementation would appear to be linked to local government reform and larger and combined local authority areas.
- 4.8 Other matters that the response should raise include:

- Infrastructure must be aligned to new housing delivery and its funding and provision must be made clear in the new system.
- Clarity on the planning regime for minerals and waste as ECC is the MWPA.
- Funding regimes to deliver these changes/reforms. Significant investment is needed in new technology and planning departments to meet timeframes and deliver the ambitious new system.
- A resource and skills strategy for the planning sector should be welcome but its formulation needs to start now if the new system is to be implemented by 2024.
- There is limited information on changes to issues such as biodiversity, stewardship, environmental assessments and the provision of affordable housing. The concern is Government will water down dramatically the current protections. Whilst this may speed up the planning process, speed cannot be at the expense of the environment and proposals to weaken should be resisted.
- The categorisation of all land to three “categories” appears an oversimplification and it is suggested there may need to be other categories.

5. List of Appendices

- Appendix A: Planning white paper: summary
- Appendix B: Planning white paper.