

West Suffolk Council response to 'Planning for the future' consultation

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Decisions Plan: **The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed.**

Wards impacted: **All wards**

Recommendation: **It is recommended that the Leader of the Council endorses the Council response to the Government White Paper, 'Planning for the future'.**

1. Context to this report

- 1.1 On 6 August, the Ministry of Housing, Communities and Local Government (MHCLG) launched the 'Planning for the future' white paper and consultation, which focuses on substantial planning reforms. It is intended to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development.
- 1.2 Another consultation, 'Changes to the current planning system' was also released by government on the 6 August (with an earlier deadline of 1 October). This consultation proposes changes to the standard method for assessing local housing need; securing 'First Homes' through developer contributions in the short term; supporting small and medium-sized builders by temporarily lifting the small sites threshold; and extending the current 'Permission in Principle' to major development.
- 1.3 The white paper consultation covers a package of proposals for reform of the planning system, covering plan-making, development management, development contributions, and other related policy proposals. The introduction of new primary and secondary legislation to give effect to the changes is likely to come into effect in 2021.
- 1.4 The government is seeking comments on the 'planning our future' white paper before 29 October 2020.

2. White paper proposals

- 2.1 A summary of the White Paper proposals forms appendix A to this report. In short, however, they seek to streamline the planning process by:
- simplifying the role of local plans, focusing on three land categories – Growth areas suitable for substantial development, and where outline approval for development would be automatic; Renewal areas suitable for some development, such as gentle densification; and Protected areas where development is restricted.
 - local plans to be based on clear rules rather than general policies with national development management policies to be introduced.
 - greater engagement at the plan-making stage and more streamlined at application stage.
 - introducing a single statutory "sustainable development" test replacing the existing tests of soundness and updating

requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate

- requiring Local Authorities and the Planning Inspectorate to meet a statutory timetable (of no more than 30 months) sanctions if not met - fee refunds and deemed permissions
- compelling faster and more certain decision-making within firm deadlines.
- strengthening enforcement powers and sanctions.
- developing a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms.
- national fee setting to remain but to cover whole cost of planning

2.2 A digital-first planning process. Local Authorities are to be provided with support and collaboration with tech companies to develop effective civic engagement and decision-making processes.

- Embedding social media and multi-device and platform use
- Interactive local plans and open and transparent access to information influencing planning decisions
- Modernising software used for case management systems

2.3 A new focus on design and sustainability, including:

- making it easier for those who want to build beautifully through the introduction of fast-track consenting for high quality design.
- the introduction of a quicker, simpler framework for assessing environmental impacts and enhancement opportunities
- establishing a new body to support the delivery of design codes in every part of the country.
- protecting our historic buildings and areas while ensuring the consent regime is modernised.

2.4 Improve infrastructure delivery. The Community Infrastructure Levy and the current system of planning obligations are proposed to be reformed as a single nationally set, value-based flat rate charge (the 'Infrastructure Levy'). The new levy would be extended to capture changes of use through permitted development rights. Potential forward funding of infrastructure to unlock development.

2.5 Make more land available for the homes and development people and communities need, and support renewal of our town and city centres

primarily through a new nationally determined, binding housing requirement that local planning authorities would have to deliver through their local plans. The aspiration being to create a housing market that can deliver 300,000 homes annually.

- 2.6 Other proposed measures include speeding up construction where development has been permitted by making it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward at the same time.

3. Council responses to government proposals

- 3.1 The council has set out responses to the proposals contained in the government white paper consultation (the most salient points are set out below. A comprehensive response based on the following key issues will be submitted to MHCLG on 29 October):

3.2 **Key issue: whole of the planning service to be funded through nationally set fees and National Infrastructure Levy (NIL). Refunds for out of time application decisions and committee overturns appeals that are allowed**

- 3.2.1 The advantage of this proposal is that what is being put forward is a fully funded service. Nonetheless, there are still questions surrounding a number of issues, such as how statutory consultees can be held responsible for late comments. There is also the potential for pressure for more refusals in the time allowed – which has implications for both appeals and resubmissions – which in turn has potential negative implications on the proactive nature of development management as advocated in the National Planning Policy Framework (NPPF).

- 3.2.2 The proposals as set out will likely see an increased financial risk of committee overturn or appeals where allowed appeals may require refund of planning fees. The proposals do, however, build in the recovery of costs for preparation of the Strategic Housing and Economic Land Availability Assessment (SHELAA), and other local plan evidence and enforcement into the process.

3.3 **Key issue: local plan reform – zoning and design codes**

- 3.3.1 The proposals regarding reforming local plans have the potential to render a speedier and more simplified process, with more public participation. It may also allow for the maintaining and prioritising of Plan-Making, and to grant outline permissions at the allocation stage.

- 3.3.2 However, there is as yet no detail on how the governance will work and the document is silent on any strategic planning regime (that is

strategic (county, regional) discussions with key stakeholders, public services and infrastructure providers is required to maintain and deliver cross boundary infrastructure and the needs of our communities are met now and the future).

3.3.3 Further clarity is required on how much information or evidence is needed for this 'new' style plan and how it can sit with the proposals for more public participation. Furthermore, there also remains a question as to how the zoning system would work for protected areas and its potential impact on housing delivery.

3.3.4 In terms of how this could potentially affect the council, it will necessitate a shift in skills and resources. What is more, land value may be impacted, and will likely increase in 'growth' zoned areas – this being the case, the council would suggest a cap on land value set within the Local Plan as a means of control market delivery.

3.4 **Key issue: Affordable Housing Provision, Higher Threshold, Impact of National Infrastructure Levy (NIL)**

3.4.1 The proposals setting out a higher threshold could result in more marginalised schemes coming forward, increasing overall housing supply. This would significantly reduce the amount of affordable housing secured through legal agreements. However, the drive towards more 'First Homes' could seriously negatively impact the supply of affordable and social rent homes and NIL could result in provision of fewer affordable homes.

3.4.2 The impact in West Suffolk is likely to be significant. Based on increasing affordable housing threshold to 40 dwellings, there will be a loss of 116 social-affordable rent homes and 38 shared ownership homes across the district. As such, the council would strongly oppose these proposals. As an alternative, the government could allow local authorities to only allocate sites for Growth where it is viable to deliver the necessary infrastructure, including affordable housing, and where the council can secure sufficient commitment from developers.

3.5 **Key issue: s106 and CIL will be replaced by a National Infrastructure Levy based on a fixed proportion of the value of a new development**

3.5.1 These proposals will likely result in less debate on a site by site basis, which will give greater certainty for developers. There is also the potential for councils to borrow against NIL in order to forward fund infrastructure – however this does come with some risk to the council.

3.5.2 The government still needs to provide more detail around how development value will be agreed and answer questions on whether the revenues are realistic and achievable. Moreover, there is no

consideration of specific local requirement and if not set correctly could result in less funding for infrastructure.

3.5.3 A key suggestion for government is to establish a strategic or regional governance framework to ensure that the NIL and the delivery of infrastructure can be managed in a co-ordinated way. This area of funding should not be seen just for planning and should form part of a wider discussion along with other local government funding streams. It would also be beneficial for there to be a viability check in growth areas to ensure sites are delivered with the required and necessary infrastructure.

3.6 **Key issue: Move to a more centralised system with greater public participation**

3.6.1 A new digital platform could encourage greater public involvement, and a change of focus for members from development management committee to strategic planning and delivery could be beneficial.

3.6.2 However, there are no guarantees or details on how the platform will ensure engagement. It will be necessary for the council to prepare an equality impact assessment and execute a review of consultation and engagement with communities undertaken by the authority.

3.6.3 Moreover, nationally set development management policies for issues not required at local plan level may be useful, but more detail is required to ensure that locally specific items can still be robustly addressed or scrutinised. The council will need new and fully justified proposals to allow locally distinctive policies to be prepared.

4. **Alternative options that have been considered**

4.1 The council could choose not to respond to the consultation. However, this will oblige the council to react to any government proposals implemented through statutory guidance.

5. **Consultation and engagement undertaken**

5.1 This is a response to a government White Paper and all engagement undertaken has been internal. From 25 August, appropriate officers across council departments were engaged for feedback and information concerning how government proposals may impact their service areas. Between 25 and 29 September, all members were asked for comment on the draft consultation response. All responses received from members and officers have been incorporated into the council's response.

6. Risks associated with the proposals

- 6.1 The consultation response will be published on the council's website and consequently could be subject to challenge.

7. Implications arising from the proposals

- 7.1 The report has no implications for personal data processing, equalities, environment and sustainability, or crime and disorder.
- 7.2 Financial
 - 7.2.1 The proposals contained in the white paper have numerous potential financial implications for the council. However, they are as yet unknown until a full review of costs can be undertaken.
- 7.3 Legal compliance
 - 7.3.1 There is no legal obligation to respond to the government consultation.
- 7.4 HR or staffing
 - 7.4.1 The proposals in the white paper may have implications on staffing numbers and may require additional staff.
- 7.5 Changes to existing policies
 - 7.5.1 The white paper proposals will require alterations to the local plan, as well as the method (specifically public engagement and involvement) in which the local plan is developed.

8. Appendices referenced in this report

- 8.1 Appendix A – summary of 'planning for the future' white paper

9. Background documents associated with this report

- 9.1 Ministry of Housing, Communities and Local Government - White Paper: Planning for the Future
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf