

RESPONSE TO GOVERNMENT WHITE PAPER: PLANNING FOR THE FUTURE

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Cabinet Member for Planning and Transportation
Officer Contact(s)	Tom Campbell and Julia Johnson, Planning Policy
Papers with report	Appendix 1 - Proposed Consultation Response

HEADLINES

Summary	This report summarises the key proposals within the Government's 'Planning for the Future' White Paper. The White Paper proposes a series of significant reforms to the existing planning system. It seeks approval for the submission of a consultation response on behalf of the Council.
Putting our Residents First	This report supports the following Council objectives of: <i>Our Natural Environment; Our Built Environment; Our Heritage</i> It will also have implications for the delivery of the Local Plan and potentially local strategies related to planning.
Financial Cost	There are no direct financial implications arising from the recommendations to this report.
Relevant Policy Overview Committee	Residents', Education and Environmental Services
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet:

1. **Notes the content of the ‘Planning for the Future’ White Paper and endorses, in principle, the Council’s proposed response attached at Appendix 1 of this report.**
2. **Grants delegated authority to the Deputy Chief Executive and Corporate Director of Residents Services to make any final changes to the response before submission, in consultation with the Leader of the Council and the Cabinet Member for Planning and Transportation.**

Reasons for recommendation

The White Paper is proposing what it describes as ‘radical reform’ to the existing planning system. The proposals therefore have the potential to significantly change how the Planning Service is delivered in the Council and may have an impact on residents, businesses and other service users. It is, therefore, important that the Council expresses its views on the proposals and influences how the reform takes place.

Alternative options considered / risk management

To not submit a consultation response. It is considered important to represent the views of residents, businesses, service users and ensure that the Government has the opportunity to take these into account before any proposed planning reforms are progressed further.

Democratic compliance / previous authority

Responses to key central Government consultations ordinarily require Cabinet approval, as set out in the Cabinet Scheme of Delegations.

Policy Overview Committee comments

None at this stage.

SUPPORTING INFORMATION

Background

The Government issued a Planning White Paper titled ‘Planning for the Future’ on 6 August 2020. It considers that the current planning system is outdated and ineffective, reiterating the Government’s long held view that the planning system is responsible for the insufficient number of homes that have been built. Since 2010, there have been a series of changes to the planning system. This includes a significant reduction to the National Planning Policy Framework, the introduction of the Housing Delivery Test and an expansion of the permitted development rights that allow development to occur without full planning permission. However, these are referred to as simply ‘fiddling around the edges’ in the White Paper and the Government believes the planning system remains problematic because:

- It is too complex.
- Planning decisions are discretionary rather than rules-based.
- It takes too long to adopt a Local Plan.
- Assessments of housing need, viability and environmental impacts are too complex.
- It has lost public trust.
- Negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear.
- There is not enough focus on design and little incentive for high quality new homes.
- It is based on 20th-century technology.
- It does not lead to enough homes being built.

The White Paper has therefore outlined 24 new proposals, which are organised around 3 'Pillars of Change'. These are:

1. **Planning for development:** establish a clear and predictable basis for the pattern and form of development in an area;
2. **Planning for beautiful and sustainable places:** ensure a planning system that enables the creation of beautiful places, protects and enhances the environment, and supports efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050; and
3. **Planning for infrastructure and connected places:** make developer contributions fairer, simpler and more consistent.

The most significant of the 24 proposals have been outlined below, including summaries of the Council's proposed response. The full proposed response can be viewed in Appendix 1.

A New Approach to Plan-Making (Proposals 1 - 4)

The role of plan-making should be simplified, with Local Plans only identifying three types of land:

Growth Areas: land suitable for substantial development, including areas for redevelopment such as former industrial sites or urban regeneration sites. The sites would have outline approval for development.

Renewal Areas: land suitable for development, including areas for gentle densification and infill, as well as town centre development. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area.

Protected Areas: Sites that would justify more stringent development controls due to their particular environmental and/or cultural characteristics. This would include Green Belt, Conservation Areas and areas of significant flood risk.

In Growth and Renewal areas, the key and accompanying text would set out suitable development uses, as well as site specific limitations on height and/or density as relevant. For Protected areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.

Existing Local Plan policies would be removed and the National Planning Policy Framework would become the primary source of policies for development management. Local planning authorities would produce design guides and codes, instead of existing local development management policies, to determine the form and appearance of development.

It is proposed that there would be a standard method for establishing a local planning authority's housing requirement. There is already a method (algorithm) for calculating need; however capacity testing then has to be applied to convert this into a realistic target. The new proposal would be for this housing target to be calculated on the basis of:

- The size of existing settlements;
- The relative affordability of places;
- The extent of land constraints;
- Opportunities to use brownfield land; and
- The need for non-residential development.

Proposed Response:

The Council's proposed response outlines that this new-approach to plan-making is unlikely to be simpler in practice. The reality is that whilst there will be three broad areas, these will all need subgroups and site specific details to make them work in practice. For example, the existing 'Protected areas' quoted are protected for different purposes and therefore it does not stand to reason that the same development would be appropriate in these locations. The Council also notes that the front loading of the plan-making system would require all areas of the borough to receive a designation and direction as to what could be built there. This is despite the potential for no development to ever come forward in certain places. This represents an inefficiency that the local planning authority would have to absorb.

The replacement of Local Plan development management policies with one set of national policies is considered to be a top-down approach, that would not allow for locational distinctions to be made in plan-making and subsequently decision-making. The proposed response is also highly sceptical about the Government's ability to create one formula that could sensibly and accurately take into account housing capacity in local planning authorities. It concludes that the failure to create a realistic and deliverable figure will not leave a local planning authority with any choice at all as to how housing is delivered.

A Streamlined Development Management Process with Automatic Planning Permission for Schemes in line with Plans (Proposals 5 - 6)

In 'Growth Areas' there would be an automatic grant of outline planning permission. In 'Renewal Areas' there would be a general presumption in favour of development. In both these areas, it would still be possible for a proposal that is different to the plan to come forward, but it would require a specific planning application. In 'Protected Areas' any development proposal would come forward as now, through planning applications being made to the local authority, but judged against policies set out in the National Planning Policy Framework.

The development management process will also experience change, including the delegation of detailed planning decisions to planning officers rather than a planning committee. There would

be automatic fee refunds if applications were not determined within the statutory time limit, whilst applications that were refused and overturned at appeal would also have their fees refunded.

It is also proposed that there would be greater standardisation of technical supporting information and planning statements would be limited to no more than 50 pages. There would be an aim of having a more digitalised application process, which included a digital template for planning notices rather than the current paper system.

Proposed Response:

The Council's proposed response outlines that, to identify a Growth area and get it into a position where automatic outline planning permission would be appropriate, would require a substantial amount of evidence and detail, which in turn would undermine any attempt to simplify the plan-making system. It also raises the issue that current delays in the decision-making process are not solely led by the local planning authority, with applicants frequently submitting inappropriate designs or inadequate information. The proposal to refund planning applications that are overturned at appeal is seen to be misguided as it would discourage local planning authorities from challenging poor design, which other parts of the White Paper are seeking to improve. The response does not support attempts to reduce the opportunity for planning committee members and local stakeholders to engage with the planning process, by restricting their input to the plan-making stage only.

A Streamlined, More Engaging Plan-Making Process (Proposal 8)

Under the new proposals, the plan-making process would be shortened to 30 months, with local authorities encouraged to do so in a shorter period of time if possible. This would be a statutory deadline brought in with new legislation. Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention.

Proposed Response:

The proposed response states that, whilst it is agreed that the current system could be shortened, the White Paper proposes to frontload and enlarge the role of plan-making, engaging many more stakeholders in the process. It is therefore not logical to expect this part of the process to be radically shorter. It is also not expected that reducing the scope and time to consult local stakeholders will improve engagement with the plan-making process. The new deadline also fails to acknowledge that delays from the Planning Inspectorate are often the largest obstructions to adopting a new Local Plan.

Speeding Up the Delivery of Development (Proposal 10)

The White Paper includes a small section on speeding up the delivery of development, which acknowledges the slow build out rate of large residential developments due to low market absorption rates. In order to address this, it is proposed that the National Planning Policy Framework will be amended to state that new large developments should seek a variety of development types of dwellings

Proposed Response:

The proposed response highlights that, whilst the approach to diversifying the mix of dwellings on site is supported, the applicant and their history of delivery is not currently a lawful material planning consideration in decisions. It also suggests that alternative solutions to delays in the delivery of residential units are available and should be progressed, including increasing the grants available for affordable housing and being more ambitious with major new public transport investment where it can unlock new housing.

Creating Frameworks for Quality (Proposals 11-12)

The Government is proposing a shift away from the existing discretionary approach to design, which allows urban design officers to assess individual proposals on a case-by-case basis. This would be replaced by design codes produced by the local authority, which would dictate what the design expectations are and restrict development to these parameters. To support the transition to such a system, the Government is proposing to create a new expert body on design guidance and codes who would advise local authorities. It is also proposed that each local authority would appoint a Chief Officer for Design and Place-making.

Proposed Response:

The proposed response highlights the difficulty of delivering good design codes, as a balance needs to be struck between not being overly prescriptive and ending up with homogenous development, and not being too flexible and creating uncertainty. In order to achieve the housing numbers being advocated for London by the Government, there would need to be a radical shift above the densities that have previously been built, which is unlikely to make these design codes popular. Developing these locally specific design codes would be a resource intensive process, particularly for this Borough, where multiple design codes may be required to address the different character areas, architectural styles and building typologies. The response supports the financing of a new Chief Officer for Design and Place-Making, but notes this alone is unlikely to cover the shift in resourcing required to address these proposals.

A Fast-Track for Beauty (Proposal 14)

The Government is proposing a 'fast-track for beauty'. Where proposals comply with pre-established principles of what the design should be, then the development should be expedited through the planning process. This would mean proposals that comply with local design codes and masterplans are fast-tracked. There is also a proposal to increase permitted development further to include development that is seen as 'popular and replicable', so that it would not need to go through a planning application.

Proposed Response:

The proposed response notes that, under the existing planning system, the local planning authority has no incentive to delay the approval of such schemes and indeed would want to see well designed schemes approved and built as quickly as possible. The reality is that most schemes do not meet all the agreed standards when they are submitted and therefore must undergo revisions post submission. The proposal to expand permitted development rights is also

not supported, noting the Government's own evidence that they have resulted in some very poor quality developments.

A Consolidated Infrastructure Levy (Proposals 19-22)

The Government is also proposing to consolidate the existing Section 106 process and Community Infrastructure Levy into one new system, referred to as the 'Infrastructure Levy'. The single rate, or area-specific rates, would be set nationally. Revenues would continue to be collected and spent locally. Local authorities would be allowed to borrow against the Infrastructure Levy revenues so they could forward fund infrastructure. The scope of the Infrastructure Levy would be extended to capture changes of use which require planning permission and for some permitted development rights, including office to residential conversions and new demolition and rebuild permitted development rights.

With the Section 106 process removed, there would need to be a new way to secure affordable housing. It is proposed that either an off-site contribution would be secured from the new Infrastructure Levy or if it was delivered on site, it would be discounted when calculating the initial Infrastructure Levy.

In addition to affordable housing and infrastructure, the proposal suggests there could be even more flexibility around what the Infrastructure Levy is spent on. It is suggested that this could include other Council service improvements and even the reduction in council tax.

Proposed Response:

The proposed response largely covers specific technical issues that need to be considered before a fundamental change to the system could occur. It notes that the current system is well understood, with history showing that reforms often require multiple revisions to amend unforeseen initial implications and thus often create disruption. It is noted that, whilst local planning authorities should have the final say on how the Infrastructure Levy is spent, at present the money raised does not cover affordable housing or local infrastructure requirements and therefore the suggestion that this could be spread further is misguided. The rates should also be set locally, so that higher costs of infrastructure delivery can be factored in.

The proposed response is supportive of the local authority having the option to borrow against the Infrastructure Levy. It also agrees that the Infrastructure Levy should be expanded to take into account permitted development rights, which currently put pressure on infrastructure but do not have to mitigate this.

Financial Implications

Approval is sought for the proposed consultation response to the Government in regard to the Planning White Paper and so there are no direct financial implications arising from the recommendations to this report. At this stage, it is not possible to quantify the potential financial impact for future staffing requirements, changes to the current S106 and Community Infrastructure Levy or the proposed Development Management automatic refund process and so further analysis and evaluation will be required following the outcome of this consultation.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The proposals within the White Paper have been self-described as 'radical reform' to the planning system. They could have a direct impact on all aspects of the natural and built environment in Hillingdon. The proposed changes will therefore have a significant impact upon residents, businesses, service users and all members of Hillingdon's communities.

Consultation carried out or required

Internal consultation has taken place on the proposed response with relevant officers within the Planning Department.

The White Paper was made public on 6 August 2020 and responses can be made by the public or organisations until 29 October 2020.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concur with the Financial Implications set out above, noting that there are no financial implications arising from the report recommendations.

Legal

The Borough Solicitor confirms that there are no specific legal implications arising from this report.

BACKGROUND PAPERS

Planning for the Future - White Paper August 2020:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf