



Planning Policy Briefing Note - September 2020

‘Planning for the future’ and ‘Changes to the Planning System’ Summary of Proposals and Implications

Introduction

This Note provides a summary of proposals recently published by Government to reform the planning system in their white paper, “Planning for the Future” and “Changes to the Planning System”.

The White Paper and Changes document can be viewed in full at www.gov.uk/government/consultations/planning-for-the-future and www.gov.uk/government/consultations/changes-to-the-current-planning-system

[The White Paper comes in glossy brochure version and web version - which is easier to read and download](#)

Planning for the Future sets out fundamental changes to how the planning system works. Its proposals will be reflected in new legislation and guidance which will come forward in 2021.

The consultation paper on changes to the planning system contains specific proposals which the government envisage implementing later this year. This note gives a summary of the proposals and an indication of the likely impacts for Mendip District and the Local Plan Programme.

Responding to the Consultation

The Government is conducting an open consultation on the proposals, and comments are invited by 1st Oct 2020 for “Changes to the Current Planning System” and 29th Oct 2020 for “Planning for the Future”.

Mendip Officers will be preparing a response on behalf of the Council **but both consultations are open to all organisations and individuals who wish to make a response.** Consultations on this scale of change in planning does not happen very often and will be of relevance to many with an interest in how the planning system works and how it could be improved.

Responses should be sent directly to MHCLG - see the details below

For further information or advice, please contact the Planning Policy Team by email at planningpolicy@mendip.gov.uk or by telephone on (0300) 303 8588.

Changes to the Current Planning System

The consultation closes at 23:45pm on Thursday 1st October

You can submit responses via website if you want to answer questions individually www.gov.uk/government/consultations/changes-to-the-currentplanning-system

Responses can also be e-mailed but should indicate which questions in the consultation paper they refer to.

TechnicalPlanningConsultation@communities.gov.uk

Planning for the Future – Planning White Paper

The consultation closes at 23:45pm on Thursday 29th October Y

ou can submit responses via website – if you want to answer questions individually <https://www.gov.uk/government/consultations/planning-for-thefuture>

Responses can also be e-mailed but should indicate which questions in the white paper they refer to. planningforthefuture@communities.gov.uk

Written responses can also be sent to: Planning for the Future Consultation, Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

Letters should confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include: - your name, - your position (if applicable), and - the name of organisation (if applicable)

Details of the Consultations

Planning for the future is a 'White Paper' with fundamental proposals to change many aspects of the planning system in England and is **out for consultation until 29th October 2020**. These changes will require a new Planning Act, revised national framework and guidance.

The second document is Changes to the Planning System – a separate technical consultation on **short term** measures likely to be introduced by December 2020. **This consultation ends on 1st October 2020**. This document contains specific proposals covering the new 'First Homes' scheme, widening Permission in Principle, changes to the standard method for housing numbers and short term relaxation of affordable housing requirements.

Both these consultations are separate from other measures involving changes to permitted development rights, the use class order or time-limited emergency planning measures put in place in response to coronavirus.

White Paper - Streamlined plan making and decision making

At the heart of the White Paper is reforms to speed up plan making, increase housing supply and to ensure local community agreement through revived engagement on design and place making. These are comprehensive rather than piecemeal changes which affect all parts of the current planning system.

The White Paper focuses in three main areas (or pillars)

- 1 – *Planning for Development*. – More certain development areas and faster routes to permission
- 2 - *Planning for Beautiful and Sustainable Places* - a framework for better quality development and design
- 3 – *Planning for infrastructure and connected places* - a new levy to replace CIL and s106

A bullet point summary of the proposals is set out in this paper. The white paper seeks responses on high level proposals which makes it hard to compare with the existing system – see '*Questions we don't know*'.

The most important mechanisms by which these are to be achieved include:

- replacing the current individual planning permission system with three predetermined zones (growth, renewal and protection) together with planning in principle or presumption in favour of development for individual sites in the first two zones;
- replacing the current negotiation and tariff system (s106 and CIL) with a nationally fixed and mandatory levy based on projected gross development value from each development.
- A simplified plan in terms of role and process with a 'step change' in public engagement in plan making. Communities would have more say in relation to defining development areas, agreeing masterplans, development parameters and design codes.

- Discretionary and case-by-case decision-making would be curtailed. Growth areas once adopted would benefit from automatic outline permission with a strong emphasis for more 'fast track' methods of making decisions where rules or codes are met. Where detailed applications are needed, decisions will be against national development management policy with limitations on producing policy in local plans.

Overall, there are positive proposals for streamlining the local plan process, improving the quality of what gets built and increasing public engagement. However, the WP focuses almost exclusively on housing delivery and design with limited detail on addressing climate change, infrastructure, transport or a more strategic approach to planning. Responses are being asked of proposals where the complexities of how they might implemented in practice is unclear.

Changes to the Planning System to support the development industry in recovery

This consultation paper includes a number of specific and controversial changes with significant impacts and burdens on the LPA. They include promised revisions to re-balance the national standard method of calculating local housing requirements across the country. However, the changes proposed significantly add to the housing burden of rural areas across the country. There are also temporary measures to increase the threshold for provision of affordable housing from sites of 10 homes to sites of 40/50 homes. This will result in a reduction in the provision of genuine affordable housing in Mendip. The 'first homes' scheme to promote discounted homes for first time buyers will also displace social housing and other tenures such as shared ownership. The Council also has concerns of additional burdens to administer the new scheme.

Timescales

The white paper suggests new plans should be prepared and in place by the end of the current parliament (Spring 2024). This would mean legislation would need to be in place by autumn 2021, well ahead of the next Mendip Local Plan reaching a significant stage to proceed to submission. . The timescales in the paper don't make any allowance for how LPAs or the development industry will work through all the practical aspects of implementing a new system.

Planning Policy going forward

The potential impacts of short and long term planning proposals on Mendip will be more significant than other LPAs taking into account the early stage of the plan review , a possible substantial uplift in housing numbers and the absence of a CIL charging scheme. The proposals do not directly affect the forthcoming additional hearings for Local Plan Part II. However, there would be an impact on the longevity of the policies once adopted and from government measures which over-ride local policy.

The government has signalled that Local Plan of the future will be radically different in scope, content and purpose. Work on a replacement local plan will continue but there is likely to be a re-focus of the current programme. A formal review of the local plan programme is likely once unitary options are confirmed.

The proposals may also result in more speculative applications being submitted to get ahead of the reforms, taking advantage of the short-term relief from providing affordable housing, securing permissions under the present system and concerns about a drop in land values/profits under new levy arrangements.

Planning for the Future

Summary of Proposals

Changes to the Planning System – Proposals

- A temporary increase in the minimum scheme size where affordable housing is required- from 10 to 40-50 units.
- Mandating a fixed proportion (25%) of affordable units to be 'First Homes' . These are open market dwellings discounted by 30%. The First Homes scheme will be LPA –led.
- Revisions to the standard method to determine Local Housing Need. This will increase the Mendip requirement from 600 to 1060 dwellings a year. This figure would be in place until the government sets new figures via the new process under planning reforms .
- New ability to make 'permission in principle' applications for major housing schemes.

Planning for the Future – Proposals

Plan Making

- Councils will be required to produce a Local Plan or Joint Plan but their role, content, evidence and assessment and examination will fundamentally change.
- Government will set housing requirements and provide a fixed figure to planning authorities. The figures in the new local plan process are to be tempered environmental constraints, brownfield opportunities and proportionality to current settlement size.
- Local Plans will not contain 'local policies' and most decision making will be based on a revised NPPF.
- A *re-invention* of engagement with communities to reflect the focus on the local plan rather than application stage
- A move away from plan documents to a national digital planning template, using map based plans
- A statutory timescale for producing local plans of 30 months once new legislation is in force.
- A streamlined environmental assessment process replacing SA/SEA
- Housing Delivery test and presumption will remain, five year supply targets will be dropped
- Replacement of the test of soundness and duty-to-co-operate requirements

'Development Areas

- Local plans would not have 'allocations' and development limits but focus on identifying three areas (or zones) across the administrative area. All land would fall into one of three categories (although it could be two):
"growth areas" that are "*suitable for substantial development*";
"renewal areas" that are "*suitable for development*"; and "*protected areas*".

- In “growth areas”, outline approval would be automatically granted for forms and types of development specified in the plan. renewal areas would “cover existing built areas where smaller scale development is appropriate” and could include the “gentle densification” of residential areas, development in town centres, and small sites in and around villages. There would be a “statutory presumption in favour of development” specified in the local plan.
- *Protected areas* would still be subject to “more stringent” development controls and full planning applications would be required for new schemes. How this would apply to ‘countryside’ and ‘green spaces’ is not clear.
- Local Plans will set out ‘rules and requirements’ rather than *policies* for these areas

Design and promoting ‘Beautiful Buildings’ and places

- New emphasis on plan design codes and setting requirements in zones which will ‘reflect local character and community preferences’
- All local design guides and codes will need to set out a baseline understanding of the local context and an analysis of local character and identity. Neighbourhood plans could also have a prominent role.
- Broad design principles will be turned into more specific standards using the National Design Guide as a starting point with a National Model Design Code (due autumn 2020) and revised Manual for Streets. These will be complemented by local design guides and codes.
- The NPPF will be expanded on the principles of good design based on the recommendations of the Building Better, Building Beautiful Commission
- A new national body is proposed to be set up to ‘help authorities make effective use of design guidance and codes’ - Homes England to have a greater role in setting design standards
- Every local LPA to appoint a Chief Officer for Design and Placemaking (note – not Planning)
- An introduction of a “fast-track for beauty” by accelerating high quality development which reflects local character and preferences through the planning process
- Use of pattern books in ‘renewal’ areas - by allowing the pre-approval of popular and replicable designs through permitted development. (ie fast track for ‘beautiful buildings’). Potential to increase industrialisation of housebuilding (ie modular homes)
- All new streets to be tree-lined
- Updated guidance for Conservation Areas and Listed Buildings and explore whether architectural specialists might have “earned autonomy” for works to LBs

Neighbourhood Plans

Will be retained as a valued mechanism to engage communities in design and place making. May be expanded to allow for local neighbourhood planning –not just Parishes
Overall relationship to new style local plans unclear.

Climate Change

- High aspiration for all new homes to produce 75-80 per cent lower CO² emissions compared to current levels, and to be capable of eventually becoming “fully zero-carbon homes” without further retrofitting. It does not appear that this commitment would be through local plan policy.

Support for change in skills and resources for Planning

- A commitment for developers to meet more of the costs of planning service as a whole
- Support for a step change in supporting design and digital skills
- A shift in planning workload from decision-making in principle to support for local plan preparation, work on detailed consents. A focus on enforcement of design and sustainability measures if not dealing with as many applications
- If applications are not determined to a set timetable, automatic return of planning fees.

Changes to s106 and CIL

- A complete shift away from developer contributions related to impact of development
- The existing s106 and CIL regimes scrapped and national Infrastructure Levy introduced.
- The Levy will operate like 'roof tax', paid on occupation and based on a fixed proportion of gross final development value. Levy set at permission but payable on occupation.
- Government will set levy and any exclusions from payment.
- Levy will apply to permitted development, changes of use and apply to all use classes
- Levy will include affordable housing. Which will be encouraged on-site and treated as a 'payment in kind' against levy charge.
- LPAs will be able to borrow in advance against the levy and have more options on how it is spent – including not spending it on infrastructure in some case (e.g. reducing council tax)
- Levy costs to be reflected in lower values for development land

What are the questions we don't know the answer to ?

The two papers raise many questions for communities that are still to be determined. The need for clarification and certainty on the many issues below will be reflected in the Council's response to the consultation.

Impact on existing plan framework

How long will existing plans carry weight in decision-making ?

How will a central process for determining housing numbers in England work ?

What will be the future role of Neighbourhood plans ?

What happens to existing adopted policies and other plan documents (gypsies, SPDs, Minerals and waste)?

What level of protection will be given to countryside, villages and open spaces?

Role of local plans in shaping change and meeting need

Will local plans still contain a vision and direction for their area?

Will local plans still allocate housing numbers to towns and villages – ie – a spatial strategy

How will the council be able to influence delivery mix, type of housing and specialist needs.

How will health and wellbeing objectives be delivered through plans

How fine-grained will the defined areas be and how will they be produced.

What evidence will be required in future to meet the new assessment/ sustainability tests

Resources

How will resources be provided to Councils to implement these proposals.

What will happen to planning fees if more permissions are decided by PD/ automatic permission?

How will planning officers be trained and supported and will government invest in skills required ?

Infrastructure, Planning Gain and growth

How will LPA's plan for infrastructure in future arrangements

How to the reforms fit with regional strategies/ devolution white paper, role of LEPS etc

Will any form of s106 be retained as a legal mechanism for non-planning gain matters

Will the cost of site highway works under s278 remain excluded from the Levy ?

Will all 'on site' provision of landscape/open space, community benefits count against the levy resulting in 'trade offs for affordable housing ?

Links to summary briefing papers

<https://commonslibrary.parliament.uk/research-briefings/cbp-8981/> (covers all the reforms and changes)

<https://www.rtpi.org.uk/media/6076/planning-white-paper-a-single-page.pdf>