

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW EXECUTIVE COMMITTEE MEETING

29TH OCTOBER 2020

Report Title	Planning for the Future White Paper August 2020
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List of Appendices

Appendix A – Proposed response to Planning White Paper

1. Purpose of Report

- 1.1. For the Shadow Executive to agree a response to the proposals contained in the Planning for the Future White Paper.

2. Executive Summary

- 2.1 The [Planning for the Future White Paper](#) was published on 6th August 2020 and the consultation closes 29th October 2020. Subject to this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms.
- 2.2 The report gives an overview of the White Paper and recommends that the Shadow Executive responds to the consultation.

3. Recommendations

- 3.1 It is recommended that the Shadow Executive Committee agrees the response to the Planning White Paper set out in Appendix A.
- 3.2 The White Paper proposes fundamental reforms to the planning system that would have a major impact on the work of the unitary council and the resources available to it. It is appropriate therefore for the Shadow Executive to make representations alongside the Joint Planning Committee and partner councils.

4. Report Background

- 4.1 The [Planning for the Future White Paper](#) was published on 6th August 2020 and the consultation closes at 11.45 pm on the 29th October 2020. It seeks views on a package of reforms that the Government considers will 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 where it is needed.
- 4.2 The proposals for reform cover plan-making, development management, development contributions and other related policy proposals. Subject to the outcomes of this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms.
- 4.3 A seminar for members of the Shadow Executive and Joint Planning Committee (JPC) on the White Paper was held on October 15th. The proposed response at [Appendix A](#) incorporates points made at the seminar and is consistent with the responses made by the individual councils.
- 4.4 The JPC is considering the White Paper at its meeting on 28th October. The Shadow Cabinet will be updated on the outcome of this meeting.

5. Issues and Choices

CONTENT OF THE PLANNING FOR THE FUTURE WHITE PAPER AND IMPLICATIONS:

- 5.1 The Government's view is that the current planning system is inefficient, opaque and results in poor outcomes. It considers that too often excellence in planning is the exception rather than the rule and identifies several problems with the system as it stands:
 - 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 and opaque
 - It has lost public trust
 - It is based on 20th- century technology
 - The process for 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 and places
 - It simply does not lead to enough homes being built
- 5.2 The White Paper puts forward 24 proposals for the planning system and asks 26 questions on these proposals. The proposals are set out under 3 'Pillars'. A summary is provided below.

Pillar 1: planning for development

5.3 Proposals are for:

1. Simplified land use plans identifying 3 types of land - Growth, Renewal and Protected.
2. Development management policies set out in NPPF rather than Local Plans.
3. A single statutory 'sustainable development' test to replace the existing tests of soundness.
4. Standard method for establishing binding housing requirements, factoring in land constraints and opportunities, to deliver nationally set target of 300,000 homes per annum.
5. Streamlined development management process - Growth Areas suitable for 'substantial' development will have permission in principle, automatic approvals for pre-established development types in Renewal Areas.
6. Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.
7. Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.
8. Statutory 30-month timeframe for producing Local Plans.
9. Neighbourhood Plans retained as an important means of community input.
10. A stronger emphasis on build out through planning.

Pillar Two – Planning for beautiful and sustainable places

5.4 Proposals are for:

11. Local design codes and guides to be prepared with community involvement by Local Planning Authorities – to be more binding on decisions about development.
12. A new body to support the delivery of “provably locally-popular” design codes and each authority to have chief officer for design and place-making.
13. National leadership on delivering better places with stronger role for Homes England.
14. A “fast-track for beauty” through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.
15. NPPF to play bigger role in mitigating and adapting to climate change and maximising environmental benefits.
16. Quicker, simpler framework for assessing environmental impacts and enhancement opportunities.
17. Conserving and enhancing our historic buildings and areas in the 21st century.
18. Alongside planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver net-zero by 2050.

Pillar Three – Planning for infrastructure and connected places
Proposals 19-22

5.5 Proposals are for:

19. A new fixed rate Infrastructure Levy to replace S106 and Community Infrastructure Levy, charged as proportion of development value above a threshold.
20. The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.
21. The reformed Infrastructure Levy should deliver affordable housing provision (including on-site “at least at present levels”).
22. More freedom could be given to local authorities over how they spend the Infrastructure Levy (and ability to borrow against levy to fund infrastructure).

Delivering change

5.6 Proposals are to:

23. Develop a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms. Key elements of this include:
 - Cost of operating the planning system to be principally funded by the beneficiaries of planning gain (landowners and developers) rather than the taxpayer.
 - Strengthened planning enforcement powers and sanctions.
 - A focus on digital planning and freeing up development management resources.
 - A new performance framework for Local Planning Authorities.
 - A regulatory review to identify and eliminate outdated regulations which increase costs for Local Planning Authorities.
24. Seek to strengthen enforcement powers and sanctions

PROPOSED RESPONSE

- 5.7 The draft response to be considered by the JPC is provided at Appendix A. It is recommended that the Shadow Executive should endorse this.
- 5.8 The response starts by challenging the White Paper’s premise that the planning system is broken and that it results in under-delivery of housing. This is not the case in North Northamptonshire, where joint work on plan making has provided a positive policy framework, and high-performing development management teams consistently achieve top-quartile performance. This has enabled North Northamptonshire to deliver nationally significant levels of housing growth. The White Paper proposals to deregulate and simplify the

process for the development industry must be counter-balanced by measures to ensure that developers build out consented sites without delay.

- 5.9 The draft response highlights areas of the White Paper that it is recommended should be supported. These include some elements of streamlining local plans, the strong emphasis on design, greater digitisation of planning processes, and a resources and skills strategy for the planning sector.
- 5.10 It is recommended that some other elements should be supported in principle, subject to further detail being provided. Members at the seminar on 15th October supported the principle of an infrastructure levy to replace s106 and CIL, provided that this would give greater certainty over funding (preventing renegotiation on the basis of viability), and that it will secure more infrastructure funding and affordable housing than current arrangements. The White Paper has insufficient detail to give reassurance on these important points. This is a common failing, as White Paper provides little detail on how many of the proposals would work in practice.
- 5.11 The proposed response raises some significant areas of concern, including:
- The heavy emphasis on housing delivery and lack of detail of other key elements of the planning system including the response to climate change, environmental protection and enhancement, infrastructure delivery and employment.
 - The simplistic approach to local plans – with just three types of land, and unrealistic timescales given the need to frontload technical work and consultation.
 - The loss of local control and flexibility arising from binding top-down housing requirements and the inclusion of development management policies in national policy (NPPF). The JPC has already raised strong objections to the proposed standard method for calculating local housing need.
 - Abolition of the Duty to Cooperate and lack of information about how strategic, cross-boundary issues should be addressed (through mechanisms such as the Spatial Framework for the Oxford-Cambridge Arc).
 - The White Paper proposes a less regulated system with more permitted development and more Permission in Principle. This has significant resource implications in relation to front-loading technical work and consultation. At the same time, it would reduce income from planning fees and charges.
 - Permission in Principle and other mechanisms for automatic consent would also reduce consultation and democratic input in the development management process. This may be acceptable for small scale proposals, but not for major developments.
- 5.12 The outcome of the current consultation on the White Paper remains to be seen, and legislation to implement the final proposals is likely to take several years to complete. The proposals will therefore remain uncertain for some time. Nevertheless, it is worth considering how they might impact on planning services in the unitary authority since it will have an early opportunity to start implementing those elements that it supports.

5.13 Potential implications of the White Paper include:

- a. The need to rethink of scope of NN Strategic Plan and other development plans.
- b. The need for capacity and resources for front-loading of technical work and consultation on the Local Plan, design codes etc.
- c. The need for significant investment in digitisation of planning services.
- d. A potential big increase in housing numbers in the Government persists with its proposed new standard method.
- e. The need to engage effectively with work on the Ox-Cam Arc Spatial Framework to ensure that housing proposals are aligned with jobs and infrastructure and take account of local constraints and opportunities.
- f. A chief officer for design and place-making plus a well-resourced team of specialists and capacity for projects e.g. delivering tree-lined streets, creating & managing open-space
- g. Technical capacity and governance arrangements to collect, spend and monitor the proposed infrastructure levy.
- h. Ability for the Council to borrow against future receipts – mechanisms for NN infrastructure fund and expertise to maximise external funding sources
- i. A structured training programme for staff and members to increase capacity/ capability, e.g. urban design skills, to facilitate changing roles
- j. Greater emphasis on enforcement of planning standards and decisions will require well-resourced enforcement team

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 None directly arising from responding to this consultation.

6.1.2 Implementing the proposals in the White Paper would have significant resource implications. The Planning White Paper indicates that the planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer. It does however recognise that some local planning activities should still be funded through general taxation given the public benefits from good planning. It states that a comprehensive resources and skills strategy for the planning sector will be developed, and that time limited funding will be made available in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review. The new Council will need to maximise these opportunities to secure additional resources.

6.2 Legal

6.2.1 The proposals if implemented would introduce new primary and secondary legislation for planning in England.

6.3 Risk

6.3.1 See below:

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Not responding to the consultation.	The views of the NN Shadow Executive would not be taken into account	High	Respond to the consultation

6.4 Consultation

6.4.1 The NNJPDU has worked with the partner LPAs in developing the response to the White Paper that is set out in Appendix A. Given the significance of the proposals, the LPAs are also submitting individual responses and this work should ensure consistency of key messages. Feedback from members of the JPC and Shadow Executive at the seminar held on October 15th has also informed this response.

6.5 Consideration by Overview and Scrutiny

6.5.1 N/A

6.6 Environmental Impact

6.6.1 None directly arising from responding to this consultation.

6.7 Community Impact

6.7.1 None directly arising from responding to this consultation. Should the changes be implemented as proposed they would have impacts on the future planning of North Northamptonshire and the communities within it.

7. Background Papers

7.1 Planning White Paper, MHCLG August 2020