

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: POLICY AND RESOURCES COMMITTEE**

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## **PLANNING FOR THE FUTURE WHITE PAPER**

### **PURPOSE OF REPORT**

To report and summarise proposed planning reform set out in the White Paper titled 'planning for the future' and approve the Council's response.

### **RECOMMENDATIONS**

- (1) To note and consider the content of the report.
- (2) To approve the submission to Government representations prepared for the Council in Appendix 1.

### **REASON FOR RECOMMENDATIONS**

To represent the interests of the Borough of Pendle by responding to consultations regarding proposed national planning reforms

### **ISSUE**

#### Introduction

The UK Government has made clear that the construction industry plays a key role in country's recovery plans following devastating economic and social effects of the COVID-19 outbreak. In his speech 'build, build, build', the Prime Minister, signaled the Government's plan to significantly reform the national planning system with the intention of delivering a system which works better for the modern day economy and society.

A core part of the Government's recovery plans are proposed reforms to the workings of the planning system as a whole as set out within the recent 'Planning for the Future' White Paper. The White Paper proposes significant changes to Local Plans in terms of their preparation, role and content. Reforms place digital technology and design at the heart of the planning process, securing faster and more predictable decision making with reduced complexity for decision

making. Reforms would alter the development management Reforms also propose to scrap Section 106 and the Community Infrastructure Levy (CIL).

### Planning for the Future White Paper

Planning for the Future (the White Paper) proposes significant reforms to the planning system said to be required to address a system which is too complex, unpredictable, convoluted, and lacks transparency and buy in from the general public. To address this, the White Paper proposes radical changes to the Local Plans system, reinvigorating the role of beautiful and sustainable design, and measures to secure necessary infrastructure more efficiently and predictably. The consultation closes for comments on the 29<sup>th</sup> October 2020. The Council's proposed response to this consultation can be found in Appendix 1 of this report.

The White Paper presents the reform under three 'pillars'. Pillar one 'Planning for development' focuses on the Local Plans system. Under the White Paper's proposals Local Plans will focus on allocating land for three types of use; areas of 'growth', 'renewal' and 'protection'. Development management policies will be moved into an expanded National Planning Policy Framework, A new standard method will be binding and imposed on local planning authorities based on need, capacity, growth potential, and constraints (all centrally assessed).

Areas of 'growth' will be considered suitable for substantial development. Their allocation within the Local Plan will be equivalent to gaining outline planning consent for the quantum and uses identified. 'Renewal' areas are suitable for development, with a presumption in favour of specified uses applying. 'Protected' areas are inappropriate and kept free from development and would include areas of Green Belt, ecological designations, heritage assets etc. Alternative uses may be promoted within 'growth' and 'renewal' areas to the ones prescribed within the Local Plan however will require a full planning application to justify the departure from the Local Plan.

Enough land will be required to be identified to meet development needs in full. In response the requirement to identify and maintain a five year supply of housing land will be removed, although the Housing Delivery Test would remain. The Local Plan itself would be much shorter and presented via a digital map, featuring a key and supporting text. Local Plans will be in place for 10 years and reviewed after 5 years.

The plan making process would be streamlined to within 30 months from commencement to adoption (inclusive of examination) with penalties for delay. Much of the meaningful consultation would be undertaken upfront within the initial 6 month period. The examination process will also change. The current tests of soundness will be replaced by a single sustainability test, with the form of the examination open to the discretion of the Inspector (therefore necessarily hearings). The requirement for supporting evidence is to be streamlined and focused.

Decision making is also proposed to be streamlined and digitalised to enhance efficiency. Pre-specified forms of development (as outlined in nationally and locally prescribed pattern books) would benefit from automatic consent subject to prior approval. 'Beautiful' developments would be fast tracked. Application requirements and supporting information would be shorter and less complex, with applications and policy both machine-readable. The scheme of delegation would be increased to include applications where the principle of development has already been established with officers using professional judgement to determine detailed technical issues.

Pillar two 'Planning for beautiful and sustainable places' seeks to define a new role for placemaking and high quality design in planning and development. Beautiful and sustainable places are to be secured through locally prepared design guides/codes to be used in the design process for new development. To implement this, a national body will be set up to advise on the production of local design guides. In addition, there will be a statutory requirement for a Chief Officer for design and place-making at each local planning authority.

The reformed system will also emphasise the role and need for sustainable development and stewardship of the environment. This includes securing net benefits for biodiversity, and ensuring that development is adaptive to the effects of climate changes, and provide development which is delivered to higher energy efficiency standards to support the achievement of the national 2050 zero carbon commitment.

For Pillar three, 'Planning for Infrastructure and connected places', the White Paper proposes to replace Section 106 and CIL with a development value based tax named the 'Infrastructure Levy' (the levy). The levy would be used by local planning authorities to fund necessary infrastructure to support growth and as the means to secure affordable housing, and could be borrowed against by local authorities to forward fund infrastructure. The levy would be set nationally, at either a flat rate or viable rate and would apply to all types of development. Only development which meets a certain minimum threshold in value will need to pay the levy. The levy would be collected at occupation. This, it is said, would be of benefit to developer cash flow, avoiding the collecting of monies at the start of the build period when costs and risks are at their highest.

The reforms, if implemented, would have significant implications for the Council in terms of resourcing, digital infrastructure, and processes, including the need for training and/or new members of staff with knowledge of Design and GIS. The Council's revenue streams through planning would also radically alter. The revenue previously gained from outline planning applications will be captured through the Local Plans process with promoters essentially paying to promote sites for allocation. The complexity of the plan making process itself should however reduce, with Local Plans streamlined towards the matter of allocation rather than setting requirements and development management policy. The type of planning applications received and determined will also significantly alter with an increased emphasis on prior approvals. It is clear that the government expects reforms to result in a less complex and therefore more straightforward process which should ease resourcing issues on time spent determining applications. The transitional period may prove to be complex and disruptive for both the Council and applicants alike. The Infrastructure Levy has the potential to provide an increased source of income for local expenditure, however this is made uncertain owing to viability problems experienced within the Borough. As such whether there is scope for flexibility in setting and applying the levy will be key.

The White Paper proposes a package of resources and funding opportunities for local planning authorities and the use of 'Proptech companies' to enable adjustments to be made in time for the implementation of the new system. Details regarding this however remain light touch, and as such it remains unclear how the new system is likely to be put into place whilst minimising disruption.

The White Paper envisages that Local Plans will be adopted in alignment to reforms in 2024. However the White Paper remains subject to consultation and requires legislation to be enacted. The form of the revised system may therefore be different from those outlined in the White Paper following the receipt of consultation comments. For the time being there is no need for the Council to act beyond the recommendations of this report. Efforts to progress the Local Plan should continue in response to policies as set out in the current NPPF.

## **IMPLICATIONS**

**Policy:** Significant changes to the role of and form of a Local Plan. A new Local Plan produced in compliance with this revised system would be required by 2024. A revised National Planning Policy Framework will replace existing Development Management Policy. Local Design Codes/Guides/Pattern books are likely to be required. The requirement for five year land supply of housing land will ceased to exist. The

Infrastructure Levy will be used to secure infrastructure and affordable housing provision.

**Financial**

Local Plans process to become self-sustaining. Development Management process standardised, with some types of applications removed and refocused towards the prior approval process. Requirement for Chief Officer for Design and Placemaking. Additional resources needed for locally produced design codes, guidance and/or pattern books. Enforcement given more significant role. Infrastructure levy to provide new and potentially increased source of revenue to be used and borrowed against to deliver infrastructure and affordable housing. Staff training throughout the Council likely needed to ensure sufficient resource to respond to proposed changes.

**Legal:**

Potentially significant change in Primary Legislation for Planning. Section 106 and developer contributions process may alter radically.

**Risk Management:**

Reforms subject to consultation and require new primary legislation. Proposed reforms have potentially significant consequences for Planning, Legal, Resources and Revenue.

**Health and Safety:**

None arising directly from the report.

**Sustainability:**

Infrastructure Levy may not support delivery of necessary infrastructure if threshold value is not achieved by developments within the Borough. Removal of SA maybe countered by Sustainability Test for Local Plan.

**Community Safety:**

None arising directly from the report.

**Equality and Diversity:**

Reforms aimed at simplifying the planning process to make it fair and accessible to all. Reforms indicate a front loading and digitalisation of public consultation measures. Unclear at this time how this will promote the opportunity of consultation for all sections of the community particularly the elderly, disadvantaged/deprived, disabled, and hard to reach groups. Proposals for outline consent at Local Plan stage could reduce transparency if not properly implemented at plan preparation stage. Proposals for presumption in favour of development within 'renewal' areas could undermine value of and scope for neighbour consultation. Increase in delegated powers at detailed design stage could remove transparency of decision making. Power for local planning authorities to flexibly spend secured infrastructure levy funds may reduce accountability.

**APPENDICES**

Appendix 1: Proposed representation made in response to Planning for the Future White Paper.

**LIST OF BACKGROUND PAPERS**

Planning For the Future White Paper