

REPORT OF THE CHAIRMAN OF PLANNING AND LICENSING COMMITTEE**PLANNING FOR THE FUTURE – WHITE PAPER AUGUST 2020****Purpose of the Report**

1. To consider the Council's response to the Government White Paper 'Planning for the Future' which proposes fundamental reforms to the planning system in England. This report provides a summary of the key proposals contained in the White Paper. The consultation questions and list of proposals are detailed at **Appendix A**. The Council's response to those questions is currently being drafted by officers and, once completed, will be circulated to Members of Policy Committee ahead of the meeting for consideration.

Information

2. The Government published its White Paper 'Planning for the Future' on 6 August 2020. The white paper can be viewed at <https://www.gov.uk/government/consultations/planning-for-the-future>. The White Paper sets out far-reaching proposals to fundamentally reform the planning system in England. Consultation on the White Paper closes on 29th October 2020. The Council's response is in the process of being drafted.
3. The White Paper proposes the biggest structural changes to the planning system since 1947. The Government considers that such radical reform is required in order to modernise the planning system and remove the barriers that currently hinder and delay much needed development. It is proposed to streamline, simplify and digitise the planning system to provide certainty and predictability and to create a process which is more engaging, simpler and can be trusted by communities.
4. The White Paper focusses heavily on the need for housing and infrastructure delivery and a renewed emphasis on design quality. Further consultation is anticipated on detailed proposals but key changes that could affect the County Council's current statutory planning, highways and transport functions are summarised below.

Plan-making process

5. The Council has a current statutory duty to prepare Local Plans for both minerals and waste development. Local plans would continue to have a central role in the new planning system, but the proposals seek to both speed up and simplify the plan-making process.
6. Local Plans would become much shorter, visual and map-based documents, focussed on identifying land for development in one of three categories:
 - a. Growth areas (for substantial development such as urban extensions or new settlements)
 - b. Renewal areas (smaller, infill development in existing built-up areas) and;
 - c. Protected areas (where cultural or environmental characteristics require development to be more controlled, for example in Green Belt and Conservation Areas)
7. Within 'growth areas', outline planning approval would automatically be granted for the forms and types of development specified in the plan. In 'renewal areas', there would be a statutory 'presumption in favour' of development. Protected areas would still be subject to more stringent development controls and full planning applications would be required for development in these areas. Site-specific policies and local design guides and codes would be used to set out the height, density, style and appearance of the different types of development that would be allowed within each area. Local development management policies covering matters such as water quality, flood-risk, highways impacts, and the protection of landscape, biodiversity and heritage assets would be replaced by standard national policies.
8. Councils and the Planning Inspectorate would be required to meet a statutory timetable of 30 months for plan preparation with 'sanctions for those who fail to do so'. Local plans should be subject to a single, simplified 'sustainable development' test, replacing the existing four tests of soundness. The legal duty to cooperate with other local planning authorities on strategic issues would be removed but further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, should be planned for. The need for sustainability appraisals alongside plans would be abolished and replaced with a simplified process for assessing the environmental impact of plans.
9. The planning process would be increasingly digitised, moving from a process based on paper documents to a process that is 'driven by data' and with much greater use of standard formats and templates. Local authorities would be helped to use digital tools to support 'a new civic engagement process for local plans and decision-making' to make it easier to comment on proposals using smart phones or other mobile devices. Community consultation at the planning application stage would be streamlined with a greater emphasis on engagement at the plan-making stage.

Decision-making process

10. The Council is responsible for determining planning applications for minerals and waste related development and for its own development such as schools and libraries. Under the proposed reforms more development would be given permission 'in principle' through the Local Plan process. However, given the specialist nature of minerals and waste planning, it is not clear at this stage whether these standard approaches would be applied to minerals and waste development.

11. The Government has stated that the determination of planning applications should be faster and more certain with firm deadlines and penalties where councils fail to determine an application within the statutory time limit. If an application is refused and the decision is subsequently overturned at appeal, applicants would be entitled to an automatic refund of their planning fee. Councils should also be subject to a new performance framework to ensure continuous improvement across all planning functions and enable early intervention by Government if problems emerge with individual authorities.
12. Routine processes such as validating planning applications should be more automated, and the amount of key information required as part of a standard planning application should be reduced. A national set of planning conditions would be introduced to cover common issues. Greater enforcement, and higher fines for deliberate unauthorised development are also proposed.

Developer Contributions for infrastructure

13. With public spending decreasing over recent years it has become more important for the Council to secure money from development in order to deliver the public services and infrastructure that are needed alongside new homes such as public transport, highway access, education facilities, library provision and household waste recycling facilities. The Council is currently able to seek funding from developers through either Section 106 agreements or the Community Infrastructure Levy as detailed in the Council's Planning Obligations Strategy (last updated October 2019). It is proposed to replace the existing parallel regimes for securing developer contributions with a new, consolidated 'Infrastructure Levy'
14. This could be either a flat rate set nationally or a variable rate for different areas. A threshold would be established whereby if the development value falls below this threshold the levy will not apply. To ease cashflow problems, particularly for smaller developers, the levy would be applied at the point at which the development is occupied rather than at the commencement of development. Councils would also be allowed to borrow against the Infrastructure Levy revenues in order to 'forward fund' infrastructure that is needed prior to the completion of the development. There will also be greater flexibility in what the funding can be used for, including for affordable housing. The Government is also consulting on whether it is appropriate to extend the Infrastructure Levy to capture changes of use through permitted development rights even where no additional floorspace is created.

Discussion

15. The reforms proposed within the White Paper are intended to speed up the delivery of homes and infrastructure across England. Measures to streamline the overall planning process that remove unnecessary duplication, provide greater certainty, and enable communities and individuals to understand proposals affecting them more easily, are to be broadly welcomed. The White Paper does not refer to planning in two tier council areas such as Nottinghamshire where responsibilities for planning are split between the two Councils. This can often create confusion to the public and additional delay because of the need for consultation between two separate organisations, despite the best efforts of two-tier Councils to work together well. For the reforms to have the most beneficial impact, a review of local government structure to include the benefits of a unitary authority, working across a geography which enables a Council to plan effectively is needed. The recent report to this Committee on Devolution and Local

Government to advance proposals for local government reform in Nottinghamshire will support this.

16. The use of technology and standard formats to process applications more quickly would need to ensure that sufficient information is still provided to enable the local impacts of development proposals to be assessed. Additional software investment may also be needed to meet future Government standards. The introduction of strict time-limits, with financial penalties, to determine more complex planning applications such as new quarries or large energy from waste facilities could detract from the quality of decision making and lead to a higher number of planning appeals or legal challenges.
17. Shifting the emphasis of public consultation from individual planning applications to the plan making process could streamline the overall process but this would need to be supported by much wider-reaching consultation measures at the plan-making stage as the majority of people currently only engage with the planning system when is a planning application for a specific development rather than commenting on wider principles or broad land allocations.
18. Changes to the way developer contributions are sought could speed up the development process. The current Section 106 process is often lengthy, and resource intensive as rigorous negotiations are needed to secure funding. However, the ability to obtain off-site benefits should be retained as legal agreements are the only available mechanism to achieve this. The Community Infrastructure Levy has not generated the level of infrastructure investment that was envisaged when it was introduced. A single Infrastructure Levy could therefore increase the funding for essential services and infrastructure, but this will depend on the level at which the rate is set. If there is a threshold below which contributions will not be sought, this could lead to a funding deficit for necessary infrastructure should there be an economic downturn as the levy would only be applied at the point of occupation.
19. The Councils full draft response to the consultation questions posed by the Government in the White Paper, once completed, will be circulated to Members ahead of the meeting for their consideration.

Other Options Considered

20. Not to respond to the consultation. The Council would not have the opportunity to comment on major proposed reforms likely to affect the delivery of its services.

Reason/s for Recommendation/s

21. In order that a response to the White Paper is made on behalf of the Council and has been approved by Members.

Statutory and Policy Implications

22. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That the draft response to the White Paper on Planning reform be approved.

Councillor Chris Barnfather
Chairman of Planning & Licensing Committee

For any enquiries about this report please contact: Suzanne Osborne-James/Emma Brook

Constitutional Comments (RHC 8/9/20)

23. Policy Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (SES 27/08/20)

24. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All