

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	14 OCTOBER 2020	5

### WHITE PAPER – PLANNING FOR THE FUTURE 2020

#### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

#### SUMMARY

Planning for the Future, a White Paper was published for consultation by the Government on the 6<sup>th</sup> August 2020, the consultation runs for 12 weeks until 29<sup>th</sup> October 2020.

The Planning for the Future consultation proposes reform of the planning system to streamline and modernise the planning process, it aims to bring a new focus to design and sustainability, improving the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed

The purpose of this report is to summarise the main changes proposed by the Planning for the Future White Paper. A more detailed analysis of the Design and Quality Aspects of the White Paper is included at Appendix 1. Appendix 2 the Draft Response to the White paper is provided for discussion and agreement by members.

Officers will continue to work on the Council's response, until the 29<sup>th</sup> October 2020.

#### RECOMMENDATIONS

1. Members note the changes proposed by the Planning for the Future White Paper.
2. Members approve the issues for inclusion in the draft consultation response (Appendix 2).

#### SUMMARY OF PREVIOUS DECISIONS

No previous decisions have been made, an information item was presented to Planning Committee on the 16<sup>th</sup> September 2020.

#### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### Introduction

Planning for the Future, a White Paper was published on 6<sup>th</sup> August 2020. It proposes wholesale reform to the current planning system and is not a bolt on in the way that previous incremental changes to the planning system have been. Since it was published there has been a considerable amount of debate by many organisations and individuals about its content. It specifically states that it “has not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation”. There are 84 pages of text but many of the most significant changes are not described in any detail.

It could involve ‘wiping the slate clean’ and building a new Local Plan system from scratch with new primary legislation. It should be noted that the initial proposals set out in the White Paper will change as a result of the consultation, nothing has yet been decided. Also, it is likely to take until the end of 2021 for any of the legislation to be finalised so nothing is going to happen immediately. The main body of this report attempts to summarise the most significant changes that are proposed in order to inform the Council’s response to the consultation which closes on the 29<sup>th</sup> October 2020.

Appendix 1 is a more detailed analysis of the design and quality aspects of the White Paper, it provides a more detailed analysis of the changes and how they would relate to current procedures in Fylde. The Council’s draft response is provided in the form of a letter at Appendix 2 to this report.

### Local Plan Proposals

1. Local Plans are the centre piece of the system which goes back to its roots with ‘Plans’ that are mainly about maps. The map will be the main focus and there will not be hundreds of pages of words. The Local Plan will be stripped right back to a map, a key and a small amount of text. The development management policies will be included in the National Planning Policy Framework (NPPF). At present each Local Planning Authority (LPA) writes its own set of development management policies, that will no longer be permitted. There will be one main map of the whole area and possibly a series of smaller maps for example for town centres. The entire Local Authority area will fall into one of three annotations, the word annotation seems to have replaced allocation. LPAs will be expected to plan for a 10 year period rather than the current 15 year period from adoption.
2. **Growth Areas** will be suitable for substantial development. The word substantial will be defined in the NPPF, there will be a Guidebook of definitions. Uses (different types of development) will be specified for different parts of these growth areas. The map will have a key and text will specify appropriate uses. Upon adoption the plan will grant outline planning permission for the different uses specified in each of the annotations for the Growth Area. These can be a wide variety of uses. The Growth Area annotation will provide a series of outline planning permissions. The Local Plan will therefore define the appropriate uses but the market will pick up what is taken forward and in what ways i.e. the phasing. It will be very flexible depending on the numbers of uses proposed in a particular Growth Area. The Local Plan will define parameters for consent eg height, density and scale. Detailed planning permission can be secured by a reformed reserved matters process, a local development order or a development consent order, these will refer to national and local design codes and pattern books (paragraph 14).
3. **Renewal Areas** which are suitable for development e.g. intensification on brownfield sites, will carry a statutory presumption in favour of the uses specified for these areas. This will be a strengthened statutory presumption, a raising of the bar, there would have to be a very good reason for refusal if the proposed use is shown as appropriate. To do something different from the proposed use shown on the plan will be very difficult. Permitted development will be set out in pattern books and will satisfy the presumption and design codes. If you have used the Pattern book you can proceed under permitted development this is referred to as ‘The Fast Track to Beauty’.
4. **Protected Areas**, these are areas protected because they are for example a National Park, an Area of Outstanding Natural Beauty, they have a Heritage designation or they are at risk of flooding. This category also includes countryside. It is not clear if any development will take place in these areas.

## **The Amount of Housing Development**

5. The areas of land that should be put into the three categories, growth, renewal or protection will be determined in two ways:
  - There will be a binding standard method housing figure set at the national level for each local planning authority, this will add up to a total of 300,000 dwellings nationally per annum.
  - The required number of dwellings will take into account the ability of the Local Planning Authority to accommodate them. Environmental constraints will be considered and the number adjusted accordingly at the national level. This is a significant change because the decision on how to balance the need for housing in an area against the environmental constraints of that area will be made at the national level. This debate will be removed from plan making.
6. The process that the Government will go through to make this decision is not set out anywhere and will presumably continue to be discussed. This is a radical proposal that will save a lot of time wasted and money spent in the past on trying to agree the housing number. Local Plans will have to provide a certain number of dwellings so there will be no need for a five year supply calculation. Every Local Plan will be reviewed every 5 years and there will be continuous assessment of how the Local Plan is performing in relation to housing delivery. Sites being prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together, assisting delivery.
7. Design Codes and guides will be produced at the same time as the Local Plan (twin tracked). There will be one single test of sustainability against which the Local Plan is assessed. The tests of soundness will not exist. The single sustainability test will focus on the outcomes rather than the process. The current sustainability appraisal system is very focussed on the process. The Duty to Cooperate will be abolished as it doesn't work. The deliverability tests will be made easier to operate, in parallel there will more focus on infrastructure requirements.

## **Local Plan Production/Timetables**

8. There will be a statutory duty to produce Local Plans and they will have to be made within 2.5 years (30 months).
9. Six months will be dedicated to the 'Call for Sites'. This will be a 'Best in Class' exercise and will be the time for engagement with people/businesses and organisations. This stage will give the public and LPAs a decisive role in making plans. This will be followed by 12 months to draw up the Local Plan which will give more time to keep going back for more engagement. Then there is a 6 week period for submission for examination and consultation on the Local Plan.
10. In the past Local Plans had to be justified by large quantities of evidence which were very expensive and took a long time to produce. Instead of evidence the Local Plan will have to be accompanied by a statement of reasons (justification) for the Growth Areas, Renewal Areas and Protected Areas, produced by the LPA.
11. The 6 week period will be for people to make their comments (equivalent to the current Publication Stage). Respondents will be required to explain what should be changed and why it should be changed. This will be followed by a 9 month examination which will be led by a Planning Inspector. The Inspector will make binding changes to satisfy the sustainability test, they can use the LPAs reasons for the Growth, Renewal and Protection Areas provided at submission and also representors comments as sections in their report, which will simplify report writing. This is followed by 6 weeks for the LPA to finalise the Local Plan.
12. There are transitional provisions set out in the White Paper. As set out in the previous item on the Partial Review officers have sought legal counsel on the implications for the Partial Review and in the light of the advice it is recommend continuing with the submission of the Partial Review as planned to the Secretary of State for Examination.

## **Resources**

13. Effectively, the White Paper is proposing that Local Plans would grant outline planning permission. This means more resources would need to be directed to the early stages of plan making. One idea for plan making under the new system is that landowners/developers pay a fee to have their site included in the plan, instead of paying a fee for submitting the outline planning application.

## **Infrastructure Levy**

14. Section 106 agreements would no longer be used for developer contributions but could be used for other purposes. There will be a new system called 'The Infrastructure Levy'. This would be a tax charged on the final value of a scheme that came in above a certain threshold, levied at the point of occupation. The rates charged would be set nationally, the money would be spent locally with Councils given the freedom to decide how to spend the money. Affordable Housing could be provided 'in kind' as a way of paying the Infrastructure Levy.

## **Fast Track for Beauty/Building Beautiful**

15. There is a big focus on design in the proposed new system. This seems to be solely about Housing, which should look beautiful, be built to the right standards have access to open space etc. There will be national model design codes and local model design codes and guides which set standards nationally and locally. Local people will be given a role in setting standards via pattern books, these can be produced at the level of an individual street. There will be permitted development rights for pattern book developments, which will act as a big incentive for developers to follow them. The aim will be to build developments that will be protected in years to come, the 'Conservation Areas' of the future.

16. National Design Coding Guidance will be a key part of the new planning system other suggestions are that:

- Design Coding will also be determined locally;
- Local Plans should specify design requirements for sites that would be mandatory once adopted;
- Other guidance to assist achieve good design will be mandatory e.g. Manual For Streets which addresses highway and public realm design, aimed at creating more attractive places;
- Community Engagement will be an essential part of the process;
- A national body will be created to support the elevated importance of design quality and this could be shared with local authorities;
- To fast track applications that comply with the design code for a site;
- Enhanced design skill promotion for some local authorities where this is absent.

17. Appendix 1 Design and Quality Aspects of the White Paper provides more detail and concludes that in principle, the concept of locally derived design specifications – design coding - should be supported although, as the report concludes, the White Paper and the policy, as it develops, leaves much to be considered in respect of practical application.

18. As a result all of the proposals in the White Paper, it is likely there will be far fewer planning applications. Much less material will be required to be submitted with a planning application. There will be page limits for planning statements, more delegation and planning permission may be granted automatically if an application is not determined. There may also be a rebate of the planning application fee if an application is successful on appeal. There will also be a simplification of the Environmental Impact Process.

19. These are considered to be the main changes, other significant points are listed below:

- A digital first approach to modernises the planning process moving from a process based on documents to a process based on data. Local Plans for example will be visual and map based, standardised, based on the latest digital technology, and supported by a new standard template. Plus there will be digital tools to support a new civic engagement process for Local Plans and decision making;
- Strengthened enforcement powers and sanctions;
- Comprehensive resources and skills strategy for the planning sector to be developed to support the implementation of the reforms;
- Neighbourhood Plans will be retained but there is no explanation of how these would work alongside the new style Local Plans, it simply states that their content should become more focussed to reflect the proposals for Local Plans.
- Each Authority to have a chief officer for Design and Place Making;
- A promise to make all new streets tree lined;

- NPPF to target areas of planning where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits;

### General Comments on the Approach.

20. There continues to be a disproportionate focus on housing numbers and there is very little information about other types of development. There is little mention of health and the contribution that well- designed development can make to health. The national population is ageing, and lifetime homes and homes designed to accommodate the elderly need to be provided in higher numbers. Climate change and flooding plus sustainable drainage systems (SUDs) do not feature prominently in the proposals, neither does biodiversity.
21. For Fylde Council it is vital to know how the Government will assess that a local authorities' environmental constraints should reduce its housing requirement. Also, how will the new system address the situation where a more urban authority than Fylde cannot accommodate its housing number, what will happen to that unmet need?
22. It is considered that the new system, as currently proposed, will be less democratic. The approval of new development will shift to the plan making stage, the traditional process of planning committees determining planning decisions with opportunities for the public to make representations will end.
23. The White Paper does suggest that people's right to be heard in person will be changed. It suggests that any 'right to be heard' might be removed (paragraph 2.53). The opportunity to appear at the Examination of the Local Plan may be replaced by an 'invitation only process' with the Inspector deciding who to invite. The White Paper proposes reducing both rights and opportunities to participate in planning decisions.
24. Appendix 2 is a draft letter of response to the consultation, officers will continue to work on the response until the deadline of 29<sup>th</sup> October 2020.

IMPLICATIONS	
Finance	There are no financial implications at this stage. It is unclear at present what implications there may be in the future, for example there may be less income from Planning Application fees, but there may also be additional income from charging for assessing proposals in relation to the new design codes/pattern books.
Legal	New legislation may be introduced at the end of 2021. New council procedures will be required.
Community Safety	None.
Human Rights and Equalities	There appears to be less opportunities for people to get involved in the planning system. The provision of affordable housing is unclear, there may be revised policy in the Planning Practice Guidance and funding via the Infrastructure Levy.
Sustainability and Environmental Impact	There will one single sustainability test. In the past sustainability considered social, environmental and economic impacts.
Health & Safety and Risk Management	The new system is already creating uncertainty, the Council will complete the Partial Review and the move onto reviewing the whole plan, the new system will be more refined by then.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning for the Future White Paper	6 <sup>th</sup> August 2020	<a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a>

Attached Documents.

Appendix 1 – Design and Quality Aspects of the White Paper

Appendix 2 – Draft Responses to the White Paper