

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 5 OCTOBER 2020

PUBLIC REPORT: Y

EXEMPT: N

Report Title	Consultation Response to the Planning White Paper: Planning for the Future
KEY DECISION	Yes
Report Author	David Atkinson – Chief Officer Planning and Regeneration
Purpose of Report	To consider the response to the Government Planning White Paper ---- Planning for the Future
Reason for Decision	To ensure the responses of the Cabinet to this White Paper, on behalf of the authority are submitted to Government by the deadline of 29 th October 2020
Portfolio Holder	Councillor P King
Corporate Priorities	The Place: CO1, CO2 The People: CO6, CO7
Financial Implications	Changes to the way the Planning system operates as proposed in the Planning White Paper could have financial implications for the Council concerning the funding levels required to operate the new system moving forward.
Risk Management Implications	To mitigate any risks as far as possible by ensuring that the Government are cognisant of the views of the Cabinet concerning the proposals set out in the Planning White Paper. It is necessary to submit these comments Government so that they are aware of the Cabinet's views as they move forward.
Environmental Implications	As this relates to the spatial and strategic planning of the District moving forward the implications for the Environment of the District could be far reaching.
Legal Implications	The White Paper is proposing changes to a statutory planning process. Giving effect to such wide – ranging changes to the planning system are likely to have legal implications.
Equality Implications	Changes to the planning system being proposed by the Government, if implemented, will result in potentially significant changes to the way the planning system operates. The equality implications of these will need to be monitored.
Data Protection Implications	None as far as this report is concerned.
Consultation	Internal consultation with the portfolio holder.
Options	Option 1 – Approve the consultation response to The Planning White paper set out in the Appendix A and for that response to be sent on behalf of the Cabinet to the Government by the deadline of 29 th October 2020.

	Option 2 – Not to approve the consultation response to The Planning White paper set out at Appendix A.
Background Papers	N/A
Recommendation	<p>1) That the response to the consultation on The Planning White Paper: Planning for the Future set out at Appendix A be submitted to Government by the deadline of 29th October 2020.</p> <p>2) That delegated authority be granted to the Chief Officer: Planning and Regeneration to finalise that response ahead of the deadline for responses of 29th October in consultation with the Portfolio Holder for Planning and the Portfolio Holder for Strategy.</p>

1. Introduction

- 1.1 On 6th August 2020, the Government published its Planning White Paper: Planning for the Future (the Paper). The document contains some wide ranging and innovative proposals for the reform of the planning system in this country. The Government are currently consulting on this document with a deadline for responses to be submitted to them of Thursday 29th October 2020.
- 1.2 There are four key areas that the Paper aims to address. These are:
- Protection - of sensitive environmental capital,
 - Greater speed - of planning decision making in both policy and regulatory fora,
 - Greater certainty – more predictable system, with less discretionary areas embedded within it, and
 - A greater emphasis on local decision-making and democratic control.

2. Key Facts

- 2.1 The Government proposed in the Paper to continue with Local plans at the heart of the planning policy system. Indeed, local plans should focus on what development happens and where. There is a particular emphasis on having fewer words in local plans and more maps. There is also an emphasis on increasing the digital credentials of local plans.
- 2.2 At the heart of the Paper is the identification of three types of area that should be clearly identifiable in local plans. These are:
- Areas identified for Growth,
 - Areas identified for Renewal, and
 - Areas identified for Protection.
- 2.3 A key aim of the Paper is to ensure that planning rules are clearer and more accessible to all. New routes and means to gaining planning permission are proposed. In Growth Areas, as identified in a local plan, principles for development will be established and outline planning approval for development that met the policy provision of the plan for those areas would be tantamount to being automatic. Details would flow from separately prepared design codes which would focus on principles relating to the functionality of a development not its style or appearance. In Renewal Areas pre-prepared design codes

aimed at regenerating such areas into attractive and well-functioning areas would also have a strong role to play. In areas designated as Protected, clearly local plan policies would discourage major development. The Paper goes as far as to mention that political engagement in the delivery of development would come primarily at the Plan-making stage.

- 2.4 The Paper proposes a binding housing requirement to be placed on Councils for them to deliver. This would be generated through the use of a nationally prescribed 'standard method formula' for calculating this housing requirement. The new formula is being consulted on separately by the Government. Allowances would be made concerning the amount of housing to be delivered in the binding housing requirement relating to, for example, areas at risk of flooding that existing a plan making area and which, therefore, are not available for development.
- 2.5 The Housing Delivery Test, which has operated since 2017/18 would remain in force, however the requirement to maintain a continual and constant 5-year housing land supply is proposed to be dropped from the system.
- 2.6 It is proposed in the Paper to introduce a new statutorily binding timetable for preparing local plans. It is proposed that a statutory maximum of 30 months should be allowed (or 42 months where a recently adopted plan is already in place).
- 2.7 A single Sustainable Development Test is proposed to supersede the current tests of soundness. It is also proposed to abolish the current statutory Duty to Cooperate and to slim down the amount of supporting technical evidence required to prepare a local plan.
- 2.8 The Paper places emphasis on early and up-front widespread community engagement in Plan making. It refers to this as 'bringing democracy forward'.
- 2.9 There is proposed to be a digital transformation in the way local plans are prepared and the way they subsequently operate. The aim is for them to be more engaging, open and accessible.
- 2.10 Simpler and quicker environmental assessments are proposed. Currently plans are subjected to Sustainability Appraisal regulations stemming from United Kingdom law and Strategic Environment Assessment (SEA) regulations which stem from European Union law.
- 2.11 The Paper proposes a nationally set and locally collected Infrastructure Levy. It is proposed that this new Levy replaces other existing forms of planning gain such as the community Infrastructure Levy (CIL) and planning obligations commonly referred to as Section 106 agreements. The Paper asserts that the effect of the implementation of this change will deliver at least as much affordable housing and infrastructure as the current system. The ability to capture contributions from developers through the new Levy in relation to permitted development as well as that which requires express planning permission.
- 2.12 The Paper proposed that a supporting resources and skills framework is established to run alongside the new system to support and guide Councils in the operation of the new planning system.
- 2.13 Smaller scale (large area) strategic planning is proposed to be voluntary and focused around infrastructure. Although the Government are considering this further.
- 2.14 The Government say that consideration around the resourcing of the new system will be given further consideration and that their aspiration is for the new system to be less burdensome on local planning authorities. It is acknowledged, however, that a

requirement for more frequent plan making and reduced planning application fees that a 'planning permission in principle' kind of system would be likely to result in would present challenges.

2.15 No firm timetable for implementation of any changes to the planning system (which is likely to involve new legislation) has yet emerged: this depends on the consultation responses the Government receive. The Government is likely to discuss any such timetable further with Councils at a future date.

3. Nine Key Areas of interest to Harborough District from the Planning White Paper

3.1 Officers have compiled comments relating to the Paper and these are set out organised under specified questions posed by the Government as part of the public consultation process on their proposals. These are set out in Appendix A attached to this report. There are nine key areas of interest to particularly draw the attention of Cabinet to.

3.2 The proposed consultation response:

- Supports the objective of simplifying the preparation and subsequent operation of Local Plans,
- Raises concerns about the automatic granting of outline planning approval in Growth areas designated through the local plan without the need for a separate planning application,
- Expresses concerns at the introduction of a nationally set housing requirement for the District which it is considered is not necessary. Rather it is felt that the well-established partnership working across the Leicester and Leicestershire Housing Market Area should continue,
- Does not support the proposal to automatically return a planning application fee if a planning application should take longer to determine than the statutory 8-week period. The existing system of securing extensions of time from applicants is felt to work well and positively enables development to come forward through supporting negotiation and establishing common ground,
- Supports the new emphasis the Paper proposed to place on more visual, map-based, local plans. However, it is considered that careful consideration needs to be given relating to equalities considerations, especially for those in our community who do not have easy access to the internet,
- Supports the retention of neighbourhood plans,
- Supports the development of design coding and guides, however, this is likely to require the procurement of additional specialist expert and associated additional financial resources in challenging financial times,
- Raises concerns around the establishment of a nationally set flat rate for the provision of infrastructure through the nationally set and locally collected Infrastructure Levy. This approach does not allow for potentially wide variations in land values across the country, and
- Sets out that considered equalities implications and impacts need careful consideration, especially in relation to online accessibility to the community and affordable housing provision.

