

Appendix 1 - Notes on White Paper 'Planning for the future' (August 2020) – 12 week consultation.

Background

1. The main aim of the White Paper “Planning for the Future”, published in August 2020, is to dramatically increase housing delivery. The Government considers the main obstacle to housing delivery as the complexity of the current planning system with very little acknowledgement of planning permissions ‘sitting’ underdelivered. It was a finding of the Letwin Review <https://www.gov.uk/government/publications/independent-review-of-build-out-final-report> that volume housebuilders will build at a rate to maintain property prices but not to meet need but this gets little acknowledgment.
2. To address the issue of housing delivery the White Paper proposes a fundamental shake-up and simplification of the planning system, re-writing primary and secondary legislation, which will replace the current planning system with a zoning system. However, there are indicators of much more detail to come, particularly through a revised National Planning Policy Framework (NPPF) within which ‘local plan policies’ will be set out.

Local Plan Preparation

3. New style 'zoning' local plans will be much shorter than current ones, with far fewer policies, and will be more visual and map based, making best use of technology. They will be supplemented by design codes to ensure quality and for heritage assets such as conservation areas. High quality development (that meets the codes) will be fast tracked. Design guides and codes would ideally be produced on a ‘twin track’ with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents
4. Land will be zoned into three broad categories:

Growth – suitable for substantial development. Allocations would automatically grant outline planning permission for the forms of development outlined in the plan. Areas identified as Growth Areas will automatically be granted Outline consent if they conform to the proposals set out in the Local Plan.

Renewal – suitable for some development such as infill and "gentle densification." In areas suitable for development (renewal areas), there would be a general presumption in favour of development established in legislation

Protection – development is restricted, such as green belt and areas of outstanding natural beauty. In areas where development is restricted any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the National Planning Policy Framework.

5. The new local plans will have to be prepared within a 30-month timetable and there will be (unspecified) sanctions for those who do not meet this. Government anticipates the first round of plans to be in place by the end of the current Parliament (Dec 2024).
6. The way plans are to be assessed is to be streamlined, with the current 'tests of soundness' being replaced by a simpler 'sustainable development' test. The Duty to Cooperate is to be abolished. The White Paper indicates that eventually the standard method will take account of land constraints, e.g. Green Belt, however it also refers to housing need being met in another local authority area where necessary. There is a separate consultation on the new method of calculating housing need.
7. The principle of Neighbourhood Plans is retained, but the enthusiasm for communities to undertake them may well be curbed with the amount of new housing development required.

Public Engagement

8. The White Paper proposes a shift in public engagement from the 'planning application' stage to the 'plan-making' stage. However, there are only two stages in the Plan's production where the public get involved – the Call for Sites stage and then once the draft plan is published and simultaneously submitted for examination.
9. There is a particular focus on Local Plan formulation engaging with the Local Community using the latest digital technology, with a particular focus on visualisations and interactive mapping software. The White Paper refers to "shifting plan-making processes from documents to data",

Development Management

10. Development Management Policies will be set at a national level to reduce duplication in Local Plans and reduce the length of the document. Design standards, however, will be set locally and each Local Authority will be expected to ensure that they have a "chief officer for design and place-making". There will also be a national design code and further guidance on the current national design code is expected in the autumn.
11. Current 'criteria-based policies' will be replaced by a much smaller number of 'clear rules' and standards. These will relate to things like scale, density and height limits. Development Management policies will be set nationally rather than included in local plans, apart from when they are site specific.
12. Substantial changes are being proposed to permitted development rights. To take this forward the intention is to develop a limited set of form-based development types that allow the redevelopment of existing residential

buildings where the relevant conditions are satisfied – enabling increased densities.

Infrastructure

13. Section 106's and Community Infrastructure Levy's (CILs) will be replaced by a new Infrastructure Levy that sounds like a flat rate proportion of the up-lift in value of land rather like the old Development Land Tax. However, local authorities will have more flexibility as to how these contributions are used. The White Paper also says that delivery of affordable housing will be maintained at least at current levels (the current Council policy target is 30%) however, the concurrent Changes to the Planning System consultation proposes a temporary lift of the affordable housing trigger threshold to 40 or 50 dwellings.
14. The paper says that this funding will take place up-front so as to allow key infrastructure to be put in place at an early stage of development and measures will be brought in to allow local authorities to borrow the sum up front to facilitate timely infrastructure delivery, however it is made clear that this is at the financial risk of the local authority itself.

Implications

15. Under the proposed changes to the standard method for calculating housing need this would more than double for South Derbyshire. The figure under the current standard method would give an annual housing requirement of 548. This would be increased to 1209. It seems clear that the Government expects this need to be met meaning not just allocated but built (mainly through allocated Growth Areas), and if delivery falls short there will be penalties in place (currently unspecified).
16. Although in theory there will be a balance to make between allocating enough Growth Areas to ensure housing targets are met, and not over-allocating Growth Areas, in practice with such high numbers the Council will need to allocate far more land as Growth Area than has previously been included in Local Plans. It will also be difficult to get the level of detail right. Too much and it will likely be removed from the Plan by the examining Inspector. Too little and the Council will not be able to add it back in at the detailed planning application stage. Furthermore "Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. Plan-making policies in the National Planning Policy Framework will make this clear. Viability is likely to be a key issue.

17. There may be a greater need for the Council to invest further in new software, additional staff and training to partly enable the increased focus on electronic data but also to ensure that there is capacity to address the added focus on design and delivery in such high numbers. The White Paper notes that many younger people do not engage with the Planning system and that an improvement in accessibility online should improve this. This could be highly beneficial for many residents of South Derbyshire but could have the potential to exclude the older generation depending on the usability of the software.
18. It will be crucial that the residents of South Derbyshire are made aware of the importance and permanence of the Local Plan (which will last for a minimum of 10 years). Local Authorities will be expected to “develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging”.
19. Both with regard to increase in permitted development and in effect the almost complete abolition of outline planning permission (once identified as a growth area this is intended to replace outline planning permission) there will be potentially significant implication for loss of fee income.