


**ECONOMY, SKILLS, TRANSPORT AND ENVIRONMENT SCRUTINY
BOARD**

24th September 2020

Subject:	Planning White Paper – Planning for the future
Cabinet Portfolio:	Councillor D Millard
Director:	Tammy Stokes - Interim Director of Regeneration and Growth
Contribution towards Vision 2030:	
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DECISION RECOMMENDATIONS

That Scrutiny Board:

1. Consider the details of the proposed changes to the planning system currently being consulted upon in the White Paper;
2. Provide comments on the White Paper that can be used to inform the Council's reply to the national consultation.

1 PURPOSE OF THE REPORT

- 1.1 To provide a briefing overview of the contents of the Government's recently launched White Paper on the planning system – *Planning for the future*.

2 IMPLICATIONS FOR VISION 2030

- 2.1 A major change to the way planning operates in England such as is set out in the White Paper will have a fundamental impact on how local councils engage with their populations, promote and support development, and deliver growth.
- 2.2 On this basis, it is likely that should the White Paper eventually be enacted in its current form, there will be significant direct and indirect implications for the delivery of the Council's vision, especially in terms of how it will need to support the delivery of housing, facilities and services, infrastructure and environmental protection.
- 2.3 The White Paper is focused for the most part on the delivery of additional houses; it does not really address the need for a balanced mix of land uses necessary to create sustainable communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 A White Paper, *Planning for the future*, was published by the Government on the 6th August 2020. A public consultation on its contents runs until 11:45pm on the 29th October 2020.
- 3.2 The consultation is proposing the major reform of the current planning system, with the stated intentions of: -
- streamlining and modernising the planning process,
 - bringing a new focus to design and sustainability,
 - improving the system of developer contributions to infrastructure,
 - ensuring more land is available for development where it is needed.
- 3.3 The Government is seeking to move the planning system away from its current reliance on case law, detailed local plan policies and each case being determined on its merits and towards a more regulatory system based on data and national policy, with design codes and zoning informing local plans and development management decisions.

4 THE CURRENT POSITION

4.1 In brief, the main issues include the following (see also Appendix A): -

Zoning

- Under the planning white paper, land will be divided into three types of zone with planning permission automatically granted (permission in principle) if proposals meet key criteria:
 - Growth – these areas will accommodate “substantial development” and will benefit from outline permission; developers will still need to secure reserved matters permission in accordance with a locally drawn up design code. Areas of flood risk would be excluded as would other important constraints unless any risk can be fully mitigated. Councils won’t be able to debate the principle of the scheme / development during subsequent considerations of reserved matters proposals
 - Renewal – applications will be given “permission in principle” on predominantly urban and brownfield sites after checks. Areas zoned for renewal are considered suitable for various forms of development, such as densification and infill.
 - Protection – places that would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, important areas of green space and areas of significant flood risk. Areas judged to have “rich heritage” would be preserved.

Renewal

- Areas zoned for renewal are considered suitable for some development, such as densification and infill, and will benefit from a statutory “presumption in favour” of development. Schemes that accord with locally-drawn up design codes will benefit from a “fast-track for beauty” consent.

Stripped back local plans

- Councils will have 30 months to produce a new-style local plan. Plans will be significantly shorter in length, by at least two-thirds. Local Plans should set rules rather than general policies for development and be more focused on identifying site and area-specific requirements, using

locally produced design codes. Development management policies will be set out nationally.

Section 106 discarded

- Section 106 agreements will no longer be used, while the existing Community Infrastructure Levy will change into a nationally-set levy on development value. The levy will be paid at the point of occupation, meaning councils will need to pay for and deliver infrastructure requirements beforehand. Councils will be allowed to borrow against future levy receipts to fund this.

Top down housing targets

- The government will impose top-down housing targets on local authorities. Every local authority will be bound by targets set by a renewed “standard method” for calculating housing need. The standard method will be based on how many existing homes are in an area, the projected rise in households and changes in affordability.

“Duty to co-operate” discarded

- Given the imposition of top-down housing targets, councils will no longer have to co-operate with each other over the drawing up of local plans. Housing numbers will consider the presence of constraints on growth, such as green belt, but it isn’t clear how this will be achieved.

Protection

- Areas of open countryside with no specific wildlife or landscape protections could also now be designated “protected”

New design code body

- A new body is to be set up to support local authorities in the creation of local design codes. Each local authority will be expected to employ a chief officer for design and place-making to oversee quality. Local design codes must have community input to be valid.

More permitted development

- Within “renewal” areas, certain pre-approved development types will be given automatic pre-approval via new permitted development rights. These new rights will also have to take account of local design codes. Permission in principle would be conferred by the adoption of the local plan for land that is identified as "*growth areas (suitable for development)*".

Digital planning

- Public involvement in local planning is to be expanded by digitising the service, to allow easier public access to planning documents. These will be published online in standardised formats, allowing people to respond to consultations on their smartphones. Authorities will be asked to use an “open data” approach, to move the system from documents-based to data-based.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Officers have been consulted within the council on the white paper and their comments will be included in the Cabinet report.

6 ALTERNATIVE OPTIONS.

- 6.1 The white paper contains several alternative options, which include “business as usual” alternatives as well as some further proposed changes. These are not explored in any detail.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are insufficient details at this stage to identify all the potential implications for local authority funding but there are likely to be several impacts, including those associated with the need for new software, changes to the way planning applications are handled, work on a local design code and the amended local plan process.
- 7.2 There will be a requirement for local authorities to pay for infrastructure required to allow development to go ahead. Councils will be allowed to borrow against future levy receipts but initially this will require investment upfront. There is no indication of what will happen should the development subsequently stall or not come forward.
- 7.3 Councils would also be required to ensure that they had a chief officer for design and place-making, which may require additional funding if a new post must be created. In addition, officers and councillors will require further training on the production and use of design codes, increased enforcement operations and other aspects of the new process.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Assuming the White Paper is carried through Parliament, it has the potential to become legislation in some form and will need to be considered by the Council as part of its decision-making process.

9 EQUALITY IMPACT ASSESSMENT

9.1 Not applicable

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 Moving from a document-based to a data-driven process will engage parallel compliance regimes such as the data protection rules. Greater use of digital tools to undertake further public engagement will have the potential to increase the likelihood of breaches of data protection; additional software and training will be required to address this.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 Not applicable

12 SUSTAINABILITY OF PROPOSALS

12.1 Changes are proposed to the current system of environmental and sustainability appraisals, the finer details of which are not yet available. A simplified process bringing together the current regimes is proposed, to provide a single assessment. There is no detail on how the proposed simplified process will continue to provide the same level of environmental protection, especially where the new system would grant automatic outline planning permissions in some cases

12.2 There is no acknowledgement of locally significant ecological designations such as SINC's or SLINC's, which currently benefit from a degree of protection through their recognition in local plan policies.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 Not applicable

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There may be implications for land the council may wish to allocate for development from its own estate, including around the timing of land release and the nature and design of any subsequent development.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The complexity of the planning process is considerable, and it is not clear that the White Paper has fully grasped the nature and scale of that complexity and the interrelationships between various aspects and considerations of land use planning. The system is working at present to produce good quality and locally relevant plans and decisions, with local

weight. It is also not clear that simplifying the process in the ways suggested will result in a better environment, or the ability for local communities to benefit from integrated decision-making.

- 15.2 There is a lack of flexibility inherent in the changes that would not allow for local communities, councils and plans to identify what is significant in their local areas and protect or deal with those issues at a locally meaningful level. No locally derived or focussed development management policies mean that theoretically the same set of DM policies could be used to determine developments in Sandwell as in more affluent or rural parts of the country, which wouldn't necessarily reflect local issues or opportunities. Policies can be positive and encourage development as well as control it and there is no scope in the current proposals to do this.
- 15.3 The role of councillors and local planning committees is not touched upon in any detail at all – it is hard to see how local democracy will benefit from the proposed changes. The role of planning committees seems to be reduced, with little or no scope for further decision-making on schemes that will potentially have significant effects on local areas.

16 **BACKGROUND PAPERS**

- 16.1 Link to white paper -
<https://www.gov.uk/government/consultations/planning-for-the-future>

17 **APPENDICES:**

- 17.1 Appendix A – summary list of proposed changes set out in white paper

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