

TO:EXECUTIVE
20 OCTOBER 2020

**RESPONSE TO CONSULTATION ON THE GOVERNMENT WHITE PAPER
'PLANNING FOR THE FUTURE'**

Director of Place Planning and Regeneration

1 Purpose of Report

- 1.1 The Government published two significant consultations on planning matters on Thursday 6th August. The most far-reaching is the Planning White Paper 'Planning for the Future' which sets out plans to undertake a fundamental reform of the planning system. The purpose of this report is to seek the Executive's approval of a proposed response to the consultation on the White Paper. Responses are required to be submitted by Thursday 29th October.
- 1.2 The closing date for responses on the consultation on changes to the current planning system was Thursday 1st October. Due to the more technical nature of the consultation and the shorter timescale for responding, the Council's response was agreed by the Executive Member for Planning and Transport.

2 Recommendation

- 2.1 **It is recommended that the Executive agrees the content of Bracknell Forest Council's response to the Government White Paper 'Planning for the Future' as set out in Appendix A and Appendix B to this report.**

3 Reasons for Recommendation

- 3.1 It is considered necessary for the Council to respond to the consultation since it proposes fundamental changes to the planning system including such matters as:
- The content, format and process for Local Plans
 - The centralisation of development management policies
 - Changes to planning decision making

4 Alternative Options Considered

- 4.1 The alternative option is for the Council not to respond to the consultation. However, this would mean that the Council would lose the opportunity to influence significant changes to the planning system in England.

5 Supporting Information

Introduction

- 5.1 The white paper is clear that what it proposes is not to make changes to the current planning system for England, but to create an entirely new one. The rationale for replacing the current system is the assertion that the current planning system is outdated and ineffective. The White Paper suggests that it is because of the planning system that we do not have nearly enough homes in the right places and that people cannot afford to move to where there are economic opportunities for them. No evidence is provided to support the assertion that it is the planning system, rather than

any other parts of the wider development process (including the development industry) that is responsible for any under-supply of housing.

- 5.2 The government's stated aim is to create a faster, simpler, and more predictable planning system. It is intended to place greater emphasis on quality of design and locally relevant building forms and styles. Another key strand of the proposals is to make planning more accessible through digital means, and thereby foster greater transparency and wider engagement in planning.
- 5.3 A key tenet of the proposals is to move away from the current discretionary approach to planning consent whereby planning applications are determined on a case-by-case basis. There would be a more rules-based system, whereby proposals that can demonstrate compliance with set standards and guidelines will automatically gain approval.
- 5.4 Another major element of the proposals is to make changes to the role, format and timescales for Local Plans and to change the way in which development-related infrastructure is funded. These are described in more detail below.
- 5.5 The proposals for this new system are based around three pillars: Planning for Development, Planning for Beautiful and Sustainable Places and Planning for Infrastructure and Connected Places.

Pillar One – Planning for Development

- 5.6 This sees the starting point for the new system being to establish a clear and predictable basis for the pattern and form of development in an area than that provided by the current system

Reduced Local Plans

- 5.7 The proposal is for new-style stripped back local plans, that should be capable of preparation within 30 months. Many planning policies will be set nationally with local plans focused on establishing three types of zone, and the specific codes and standards to be applied to developments within the zones. Plans should include “an interactive web-based map of the administrative area where data and policies are easily searchable”, with colour-coded maps reflecting the zoning, key and accompanying text setting out “suitable development uses, as well as limitations on height and/or density as relevant” within the zones. **There are three proposed Zones which would collectively cover the whole planning authority area, namely: growth, renewal and protection. The proposed zones are:**
 - **Growth** zones which will accommodate “substantial development” and benefit from outline planning permission. Developers will still need to secure reserved matters permission in accordance with locally drawn up design codes – but the principle of the scheme will already have been established
 - **Renewal** zones which will be regarded as suitable for some development, through increased densities and infill development, and will benefit from a statutory “presumption in favour” of development. In these zones, schemes that accord with **locally drawn-up** design codes will benefit from a “fast-track for beauty” process for securing consent. This will mean that popular / replicable forms of development that comply with local codes to be quickly and easily approved.
 - **Protected** zones will essentially continue with the existing planning process, with all existing Green Belt and Area of Outstanding Natural Beauty and

similar such designations remaining in force. Areas of open countryside with no current specific wildlife or landscape protections can be designated as protected.

- 5.8 Development plans are to be digitised and more map-based to make them more accessible and easier for people to understand and engage with. The changes will require some changes in the skill sets for planning with greater emphasis on design, sustainability, public engagement and digital technology.
- 5.9 Instead of general policies for development, the document says local plans would be required to set out site and area-specific requirements for development, alongside locally produced design codes. The National Planning Policy Framework (NPPF) would become the primary source of policies for development management rather than Local Plans.
- 5.10 It is proposed to set a statutory period for the preparation of plans which the government says would be 30 months under a new process.

Pillar 2 – Planning for Beautiful and Sustainable Places

- 5.11 This sets out a new ‘fast-track for beauty’ approach, whereby proposals for high-quality developments that reflect local character and preferences would benefit from ‘automatic permission’, which could be similar to the current prior approval process for certain forms of development. New development would be expected to create a net gain to an area’s appearance.
- 5.12 Design codes, which would be expected to be prepared locally, would be made more binding on planning decisions. A new body would be established to support the delivery of design codes across the country.
- 5.13 On mitigating and adapting to climate change the paper says that from 2025, new homes will be expected to produce 75-80 per cent lower CO2 emissions compared to current levels. The homes should also be ‘zero carbon ready’, being able to become fully zero carbon over time as the electricity grid decarbonises, without the need for costly retrofitting.

Pillar 3 – Planning for Infrastructure and Connected Places

- 5.14 The paper proposes S106 payments being abolished (though S106 will still be able to be used to secure covenants on land but it unsure if relating commuted sums for future maintenance can still be achieved through s106 obligations). There will be a single new infrastructure levy payable on occupation and Councils may be able to borrow against future receipts to forward fund infrastructure. Affordable housing would be provided through the levy rather than S106 with levy payments able to be offset against on-site provision. The charge will be based on a proportion of the development value through nationally set rates. The proposals include retention of the neighbourhood share of the levy receipts, with up to 25% of funding being transferred to parish councils.

The paper proposes greater flexibility for local authorities in how they spend the levy income and says that it could be spent on improving services or reducing Council Tax.

6. The proposed council response

6.1 The proposed response to the 26 questions is attached at Appendix A to this report. Owing to the fundamental nature of the proposals in the white paper, and the relatively limited scope of the questions asked, it is also proposed to comment on the wider issues raised and highlight areas where significant detail is missing on how aspects of the proposals would work in practice. These further responses are attached at Appendix B and would form part of the Council's formal response along with the responses to the questions at Appendix A.

6.2 While it is recognised that there are some issues with the complexity of the current planning system there are some fundamental concerns with the government's proposals. Some of the key responses are summarised below:

- There is no evidence that the planning system is the cause of under-delivery of housing which appears to be one of the key drivers for the proposed changes.
- There is a lack of any effective proposals for effective strategic planning on cross-border matters to replace the Duty to Cooperate which is proposed to be scrapped.
- Lack of any clarity on how the proposed formula for housing need (which was part of a separate consultation) will be translated into a requirement that takes account of constraints.
- The resource implications of some of the proposed changes are a concern, particularly as they could result in reduced fee income.
- Concerns are raised about whether the proposed 30 month local plan process timescale is realistic and the resources needed if the adoption of such a plan includes outline consent for allocated sites.
- The changes to infrastructure funding would reduce the link between developments and the provision of mitigation directly linked to it. It would mean that Councils receive developer contributions later in the process which could cause delays in infrastructure provision or that Councils will need to forward fund infrastructure, potentially through borrowing. This greatly increases the risk on the Council to fund all infrastructure including projects where normally the developer would for example, provide a building such as a community centre even if building costs increase over time.
- In context in the last 5 years around £60 Million in s106 /CIL receipts have been received. Further in-kind works secured by s106 would push the value to at least £200 Million. To maintain this the levy would need to generate at least that amount for infrastructure not including Affordable Housing.
- Concerns are raised about the proposals for securing affordable housing including the lack of any specified mechanism for securing the specification of such housing and ensuring that it remains affordable in perpetuity.
- The paper lacks any reference to measures to enable development affecting special protection areas governed by separate legislation. This is important to Bracknell Forest where it is essential to mitigate the impacts of new housing on the Thames Basin Heaths Special Protection Area

- 6.3 In conclusion, there are some proposed measures that are considered to be beneficial in terms of streamlining planning and it would also be helpful if relevant planning legislation could be updated and consolidated as much as possible. However, the planning system is very important and the outcomes it delivers have long-lasting effects on the environment and on people's quality of life. It is important therefore that changes should be based on sound evidence and a balance of views. It is recommended that the proposed responses at Appendices A and B to this report be submitted as this Council's response to the consultation.

Legal Advice

- 7.1 The Ministry of Housing, Communities and Local Government is consulting on changes to planning policy and legislation and the consultation seeks views on each part of a package of proposals for reform of the planning system in England, to:
- streamline and modernise the planning process,
 - improve outcomes on design and sustainability,
 - reform developer contributions, and
 - ensure more land is available for development where it is needed.
- This consultation is open to everyone and the government is keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
- 7.2 The Government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty and are seeking views on the duty as well as the potential impact of the package as a whole. This consultation document and process adhere to the Consultation Principles issued by the Cabinet Office last updated March 2018

Financial Advice

- 7.3 The proposed response from the Council to the Government's consultation highlights amongst many other challenges that financial contributions from developers towards the cost of assessing and supporting development in the Borough are likely to reduce significantly under the changes proposed. They would therefore reduce the Council's current ability to secure funding for affordable housing and to mitigate the wider impact of investment on local infrastructure, currently secured through s106 agreements.

Equalities Impact Assessment

- 7.4 This is not applicable as the report is concerned with formulating a response to a consultation from the Government.

Strategic Risk Management Issues

- 7.5 There are no specific risks identified in the Strategic Risk Register (2020) which affect this consultation response.

Background Papers

Government White Paper 'Planning for the Future'

<https://www.gov.uk/government/consultations/planning-for-the-future>

Appendices

Appendix A: Proposed Bracknell Forest Council response to the White Paper 'Planning for the Future' Consultation Questions

Appendix B: Proposed responses on other matters

Contact for further information

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