

Council Response to the Government's Proposed Planning Reforms: 'Changes to the current planning system' and 'White Paper: Planning for the Future'

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Rob Jarman (Head of Planning and Development), Tom Gilbert (Principal Planning Officer)
Classification	Public
Wards affected	All

Executive Summary

On 6th August 2020, the Ministry of Housing, Communities and Local Government launched two public consultations. One focusing on changes to the present planning system and another proposing wholesale changes to the planning system through primary and secondary legislation. The consultation referring to changes to the present planning system closes on 1st October 2020. While the consultation on the proposal to change the planning, system closes on 29th October 2020.

The proposed changes to the existing planning system include:

- Changes to the standard methodology for assessing local housing need
- Securing first homes through developer contributions
- temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
- extending the current Permission in Principle to major development

The white paper 'Planning for the Future', which promotes changing the present planning system has 3 pillars; and 24 proposals. The 3 pillars include:

1. Planning for development
2. Planning for beautiful and sustainable places and;
3. Planning for infrastructure and connected places

This report considers the consultation and recommends that the proposed response set out in Section 4 of the report is forwarded to Ministry of Housing Communities and Local Government as the Council's formal response.

Purpose of Report

For decision. That the Committee approve the Council's response to the Government's proposed Planning reforms 'Planning for the future' white paper and 'Changes to the current planning system'.

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This report makes the following recommendations to this Committee:

1. That the content of both the national Government consultations ('Changes to the current planning system' and 'White Paper: Planning for the Future') are noted and the Council's responses to both approved for submission.
2. If detailed responses are not agreed, then Head of Planning & Development has delegated powers to submit responses in consultation with the chair and vice-chair of the Strategic Planning & Infrastructure Committee.

Timetable	
<i>Meeting</i>	<i>Date</i>
Committee	22 nd September 2020

Council Response to the Government's Proposed Planning Reforms: 'Changes to the current planning system' and 'White Paper: Planning for the Future'

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3.	Rob Jarman (Head of Planning and Development)
Cross Cutting Objectives	The report recommendations support the achievement of all four cross cutting objectives	Rob Jarman (Head of Planning and Development)
Risk Management	Already covered in the risk section of the report	Rob Jarman (Head of Planning and Development)
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Paul Holland, Senior Finance Manager
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman (Head of Planning and Development)
Legal	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended)	Mid Kent Legal Services (Planning)
Privacy and Data Protection	No privacy or data issues identified	Policy and Information Team
Equalities	The report, which outlines the Council's response to the consultation, does not propose a change of policy or service delivery therefore and Equalities Impact Assessment is not required at this stage. The Consultation asks, at question 26, for consideration to be given to the impact of the proposals on groups with protected characteristics. The Council outlines its support for improvements	Orla Sweeney (Equalities & Corporate Policy Officer)

	to digital accessibility. Any future changes to local delivery of services would be underpinned by an Equalities Impact Assessment and public consultation.	
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The recommendation will not have any impact on crime and disorder as it is a response to a national government consultation and will not lead to any specific changes to the current planning system at present.	Rob Jarman (Head of Planning and Development)
Procurement	There are no procurement requirements	Head of Service & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The Ministry of Housing Communities and Local Government is currently undertaking two consultations relating to changes to the Planning system in England. One relates to changes to the current planning system and other refers to a major overhaul of the system through primary and secondary legislation.
- 2.2 The report will look at both consultations in turn, summarise them and give summarised responses to the relevant proposals. The responses proposed to be sent are in appendices A and B. These are dictated by the templated provided by MHCLG, but Maidstone Borough Council's concerns and issues will be drawn out and submitted.

Proposed changes to the Current Planning System

- 2.3 MHCLG has proposed four changes to the current planning system. These include:
- Standard Housing methodology
 - First homes
 - SME and medium house builders; and;
 - Permission in Principle

A. Standard Housing Methodology

- 2.4 In 2018 National Government introduced changes to the way an authorities Local Housing need was calculated by setting a minimum number of houses needed in Local Planning Authority (LPA) area based on a national methodology. Prior to this it has been set by LPAs through a system referred to as objectively assessment need (OAN). The justification for the

change was to reduce delays at Local Plan examinations through disagreements over the way the need figure was calculated, and methodologies used.

- 2.5 The present Government proposals are to adjust the existing methodology. The new method of calculation would include existing housing stock as well as analysis of affordability ratios and household projections as previously included. The existing cap of 40 percent on the increase above existing housing needs would however be removed.
- 2.6 As a result, the Council would see an uplift in its proposed housing need to 1,568 per annum.

B. First homes

- 2.7 First homes are a proposed form of affordable housing. First proposed by national government in February 2020. The model provides affordable housing through a 30% discount to market housing that is then attached to the property in perpetuity.
- 2.8 The present consultation proposes changes to the national policy relating to affordable housing set out in the National Planning Policy Framework (NPPF). A new requirement of 25% of all affordable housing is to be delivered as First Homes. Also it is stated that there be a preference for first homes over any other affordable home ownership method (intermediate housing).

C. Small & medium house builders

- 2.9 The consultation aims to promote more competition in the housing market by increasing the delivery of housing units through supporting small and medium developers by easing the planning obligations required on them. It is proposed that for a period of 18 months the small sites threshold for affordable housing contributions will be raised from 10 units to either 40 or 50 units.

D. Permission in Principle

- 2.10 In 2017 permission in principle was introduced as a new route to gain planning permission for minor housing development or brownfield land. Presently it is a two-step process – part 1 was around the approval of an application in principle (use, location, and amount of development); and part 2 technical details consent. Part 2 has the impact of granting planning permission. The proposed changes would expand the PiP to all major housing led development.

Consultation – Planning for the Future White Paper

- 2.11 The white paper proposes significant changes to the planning system structure through primary and secondary legislation rather than reform to existing national planning policy. The suggested reforms focus around three 'pillars' to a new system. These include:

- Planning for development
- Planning for beautiful and sustainable places, and;

- Planning for infrastructure and connected places

2.12 Each pillar has several proposals for change within it. A total of 24 proposals in all.

2.13 Overall, the White Paper is trying to speed up the planning process through amendments to the Development Management and Plan making functions so that more homes are built quickly to help alleviate the affordability crisis within the market. It aims to do this via changing the system to provide more certainty.

2.14 The main methods that the White Paper seeks to achieve these aims are through the following:

- Streamlining the process
- Embracing technology
- A focus on design quality
- Improving infrastructure provision and delivery
- Ensuring more land is available for development

2.15 Overall, the changes will see planning become more regulatory and shift to active place making. Active place making is something that Maidstone Borough Council has already been actively undertaking through producing planning guidelines for town centre opportunity sites (January 2020), Maidstone Building for Life 12 and production of a Garden Communities Prospectus.

Streamlining the process

2.16 The white paper proposes to streamline the planning process through the following ways:

- Local Plans would categorise land into the following types – growth, renewal and protection areas. In growth areas then allocation would equate to outline permission. Plus the whole process would have to be completed within a statutory timeframe of 30 months
- Engagement would be “re-invented” particularly reaching out to ‘the young’ making use of modern media and models of communication and the level of consultation cut during the plan making process
- The existing ‘tests of soundness’ would be replaced by a single statutory ‘sustainable development’ test and the Duty to Co-operate would be abolished.
- Development management policies would be contained within national planning policy

Embracing technology

2.17 The planning system would rely more on digital technology to aid Local Plan consultations and the development management process with processes becoming computer readable to speed up validation

A focus on design quality

- 2.18 The planning process would be re-orientated away from the principle of development to achieving a higher quality of the design in local areas. This would be delivered through:
- Local authorities delivering design guidance and design codes
 - A fast track system for proposal of beautiful design and
 - Redesign of the environmental assessment process to make it simpler and quicker.

Improving infrastructure provision and delivery

- 2.19 To aid housing delivery the Government wants to improve infrastructure provision and its delivery. It proposes to do this via the following:
- s106 legal agreements would be abolished and CIL would be reformed to create a new, consolidated "infrastructure levy". The new levy is proposed to be a fixed amount of the development value above a threshold.
 - The new infrastructure levy would include affordable housing and would be charged upon occupation.
 - Flexibility for local authorities on how monies are spent.

Conclusions

2.20 As a result of the proposed changes in the White Paper there are several major challenges and opportunities that emerge.

2.21 The following challenges may be created if the white paper is taken forward in its present form:

- Increased centralisation and reduced democratic accountability
- Skills shortage
- Finance and resource implications
- Increased focus on housing over other forms of place making

2.22 The white paper does also present several opportunities for the planning system. These include:

- Increased speed
- Better design
- Cost savings and greater effectiveness if ambitious DM policies are put in place centrally.
- Increased autonomy and control if the more radical suggestion of removing the Public Examination from the LP process is implemented.

2.23 On balance White Papers appears to create some positive changes and challenges, but officers will work with MHCLG to adjust the content to most benefit Maidstone Borough Council and embrace the priorities outlined in the Strategic Plan 2019-2045.

3. AVAILABLE OPTIONS

3.1 Option A: To not make representation.

3.2 Option B: To approve the Borough Council's representations outlined in appendices 1 & 2

3.3 Option C: The Committee could decide to submit responses to only one of the Government consultations on the proposed changes to the existing and future planning system

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option B: The Committee could decide to submit responses to the Government consultations on the proposed changes to the existing and future planning system

4.2 The detailed responses to the consultation are outlined in appendix a and b and these will be submitted via email MHCLG. It is felt that this is the best option as it would enable the Council's concerns to be heard.

5. RISK

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 *If the recommendations are agreed, then officers will submit the responses attached in appendices 1 and 2.*

8. REPORT APPENDICES

- Appendix 1: Response to MHCLG – 'Changes to the current planning system consultation (2020)
 - Appendix 2: Response to MHCLG – 'White Paper: Planning for the Future' (2020)
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9. BACKGROUND PAPERS

- MHCLG – ‘Changes to the current planning system consultation (2020) - <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- MHCLG – Planning for the Future: White Paper (2020) - <https://www.gov.uk/government/consultations/planning-for-the-future>