

Council Response to the Government's Proposed Planning Reform: '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 white paper 'Planning for the Future' proposing wholesale changes to the planning system through primary and secondary legislation.

Both consultations and proposed responses were discussed at the meeting of this committee on 22 September 2020. It was resolved that the responses to the White Paper 'Planning for the Future' be amended and brought back to the committee. This report highlights the amendments proposed by members of this committee and those of the Biodiversity and Climate Change Working Group presented.

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 reform 'Planning for the future' white paper'.

This report makes the following recommendations to this Committee:

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

Timetable

Meeting	Date
Committee	7 October 2020

Council Response to the Government's Proposed Planning Reforms '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.	Rob Jarman (Head of Planning and Development)
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 recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Team
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	Rob Jarman (Head of

	lead to any specific changes to the current planning system at present.	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 a consultation on a White Paper 'Planning for the Future' relating to changes to the Planning system in England. The closing date for the consultation is 29 October 2020.
- 2.2 The changes proposed in the White Paper consultation 'Planning for the Future' and a draft consultation response were presented to this committee at its last meeting of 22 September 2020 for comment. It was resolved at that meeting that:
- 2.3 *'Delegated authority be given to the Head of Planning to submit the responses as shown within Appendix 1 to the report, inclusive of the comments provided by the Committee, to the Ministry of Housing, Communities and Local Government with regard to the 'Changes to the current planning system consultation (2020)'; and*
- 2.4 *The draft responses to the 'White Paper: Planning for the Future' as shown within Appendix 2 to the report, be amended by the Head of Planning with consideration given to the Committee's comments, after which the responses would be brought back to the next meeting of the Committee, be agreed.'*
- 2.5 In accordance with this resolution an updated version of the consultation response to the White Paper 'Planning for the Future' has been drafted accounting for comments made at the last committee meeting on 22 September and is attached in appendix 1 for review.
- 2.6 In summary the comments raised at the last meeting of this committee by members on the draft response were as follows:
- **Question 7b** – Answer to be amended to better reflect the question
 - **Question 9** – Answer to be amended to raise concerns with the granting of automatic permission for development that falls within proposed growth areas and the conflict with other existing designations (i.e. listed building, conservation area etc)
 - **Question 22a** – Answer to be amended to delete reference to the removal of infrastructure collection role from Boroughs and Districts and be replaced with a suggestion that Boroughs and Districts be given powers to enforce spending of infrastructure money.
 - **Question 23** – Answer wording to be amended to say *significantly increased the population in certain areas of the Borough*. Also suggest that

the proposed reform to the infrastructure levy to have an exemption for self-build and micro-developers.

2.7 In addition to the comments of members of the committee comments from the Climate Change and Biodiversity Action Working Group of the Council towards the White Paper 'Planning for the Future' consultation was also raised. In summary these included:

- More local decision making to be included rather than less
- The sustainable development test needs to be further defined through the outlining of its parameters
- The digital mapping tool proposed should include a comprehensive database of constraints
- Any future resourcing and skills strategy for the planning system needs to incorporate training on environmental sustainability and biodiversity
- Proposals for automatic permission need to consider the environmental benefits of urban brownfield sites
- Design codes need to consider: the development of technology over time, building resilience to avoid need to retrofit, and the need to improve and promote design quality
- The proposed infrastructure levy is to be used to support the delivery of infrastructure to combat climate change
- Land banking needs to be addressed
- Proposed changes need to support increase tree cover
- A new wild belt designation as promoted by the Wildlife Trust should be promoted

2.8 In conclusion the comments from this committee on the 22 September 2020 and those presented from the Climate Change and Biodiversity Action Working Group towards the National Government Consultation on the White Paper: 'Planning for the Future' have now been included into a re-drafted response -see italics- and can be found in appendix 1.

3. AVAILABLE OPTIONS

3.1 Option A: To not make representation.

3.2 Option B: To approve the Borough Council's representations outlined in appendix 1

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is '*Option B: To approve the Borough Council's representations outlined in appendix 1*'. This will enable the Council to potentially influence the proposed reforms and that the Council's opinion is part of the debate.

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
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendations are agreed, then officers will submit the response attached in appendix 1.
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8. REPORT APPENDICES

- Appendix 1: Response to MHCLG – Planning for the Future: White Paper (2020)

9. BACKGROUND PAPERS

- Background document 1: MHCLG – Planning for the Future: White Paper (2020) - <https://www.gov.uk/government/consultations/planning-for-the-future>
- Background document 2: Strategic Planning and Infrastructure Committee 22 September 2020: Agenda Item 14 – https://www.maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3MjQ5NCUyRkNvdW5jaWwIMjBSZXNwb25zZSUyMHRvJTIwdGhJTIwR292ZXJubWVudHMIMjBQcm9wb3NIZCUyMFBsYW5uaW5nJTIwUmVmb3JtcyUyMENoYW5nZXMIMjB0byUyMHRoZSUyMGN1cnJlbnQIMjBwbGFubmluZyUyMHN5cy5wZGYmYWxsPTE%3D