

Wiltshire Council

Full Council

20 October 2020

Subject: Changes to the Current Planning System- Consultation on 'Planning for the Future White Paper' (August 2020), Ministry of Housing, Communities and Local Government

Cabinet Member: Councillor Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property

Key Decision: Non-Key

Executive Summary

1. On 6th August, the Government published the 'Planning for the Future' White Paper for consultation. The proposals in the White Paper have important implications for Wiltshire Council, as one of the largest local planning authorities in the country. There is a 12-week consultation period ending on 29th October 2020.
2. In summary Wiltshire Council recognises the need to reform the current planning system, and the proposals within the White Paper are a welcome step forward in delivering this change. Wiltshire Council supports the Government's aim of speeding up the delivery of development whilst enhancing design quality.
3. Whilst Wiltshire Council welcomes many of the proposals in the consultation, we have concerns about some. There are other areas where further details will need to be forthcoming in order to fully evaluate their effectiveness. Details are set out in the report.

Proposals

1. **Council discusses the White Paper;**
2. **Council delegates to the Director of Economic Development and Planning, in consultation with the Cabinet Member for Spatial Planning, Development Management and Property, to submit a final response to the White Paper consultation from Wiltshire Council to MHCLG.**

Reason for Proposal(s)

- 1) In order to ensure Wiltshire Council makes a considered and balanced response to the Planning White Paper consultation.**

Terence Herbert
Chief Executive Officer

Wiltshire Council

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Key Decision:

Purpose of Report

1. To inform members of the current consultation on the 'Planning for the Future' White Paper, and ensure Wiltshire Council makes a considered and balanced response to the Planning White Paper consultation.

Relevance to the Council's Business Plan

2. These proposals are at consultation stage and it is understood that proposals in response to the consultation will be published in detail next year, with the legislative process to follow. Therefore, when there is clarity about the exact proposals next year, they will be assessed against the Council's Business Plan and budget.

Background

3. On 6th August, the Government published the 'Planning for the Future' White Paper for consultation. The proposals in the White Paper have important implications for Wiltshire Council, as one of the largest local planning authorities in the country. There is a 12 week consultation period ending on 29th October 2020.
4. A Member Briefing Note was circulated on 1st October and a Member briefing session took place for all Wiltshire Councillors on 2nd October.
5. This paper summarises the broad issues which will form the basis of Wiltshire Council's response to the consultation. This will be submitted to MHCLG by the Director of Economic Development and Planning (Sam Fox), in consultation with the Cabinet Member for Spatial Planning, Development Management and Property (Toby Sturgis). The views of technical specialists across Wiltshire Council have been sought and their feedback, together with comments made in the Member Information session on 2nd October, and the discussion at Full Council on 20th October, will also inform the response.

6. The White Paper sets out proposals for a fundamental reform of the planning system. These are headed under three pillars:

- Pillar 1 - Planning for Development
- Pillar 2 - Planning for Beautiful & Sustainable Places
- Pillar 3 - Planning for Infrastructure & Connected Places

7. The proposed reforms would mean:

- Local communities would be consulted from the very beginning of the planning process. By harnessing the latest technology through online maps and data, the whole system will be made more accessible
- Valued green spaces would be protected for future generations by allowing for more building on brownfield land and all new streets to be tree lined
- Homes would be built quicker by ensuring local housing plans are developed and agreed in 30 months
- Every area would have a local plan in place. This will designate land within three categories:
 - **Growth areas** would back development, with development approved at the same time plans are prepared, meaning new homes, schools, shops and business space can be built quickly and efficiently, as long as local design standards are met.
 - **Renewal areas** would be suitable for some development – where it is high-quality in a way which meets design and other prior approval requirements the process will be quicker. If not, development will need planning approval in the usual way.
 - **Protected areas** would be just that – development will be restricted to carry on protecting our treasured heritage like Areas of Outstanding Natural Beauty and National Parks.
- The planning process would be overhauled and replaced with a clearer, rules-based system.
- A new simpler national levy to replace the current system of developer contributions (Community Infrastructure levy and Section 106 payments)
- The creation of a fast-track system for beautiful buildings and establishing local design guidance for developers to build and preserve beautiful communities
- An ambition that new 'zero carbon ready' homes delivered under our new system would not require any future retrofitting.

Main Considerations for the Council

8. The sections below set out the broad proposals contained within each pillar and the proposals for delivering change. Included is a brief commentary on the implications for Wiltshire Council, which will form the basis of the detailed response to the consultation.

Pillar 1 - Planning for Development

9. The Government is aiming to speed up the delivery of housing whilst enhancing design quality. In principle, these aims are fully supported. It is

also important that plans are based on full engagement with local communities to properly reflect the needs and priorities of local areas. The proposal for plans to be prepared quicker is welcomed, but this should not undermine the effectiveness of local plans in balancing competing demands on land and securing effective place-shaping.

10. Local Plans should be prepared within a national framework, meet development needs and achieve sustainable communities. Under the proposals, Local Plans would be adopted more quickly, and Wiltshire Council welcomes this. It is important that the new national framework would not inhibit locally elected Councils in balancing competing needs in their areas (e.g. for housing, employment, community facilities, public open spaces, green infrastructure, nature conservation), and to identify the infrastructure needed to support new development (e.g. transport, flood risk, education, etc).
11. The proposal for Local Plans to have a 15-20 year time horizon, with regular reviews is welcomed.
12. With regard to the proposals for three classifications of land ('growth', 'renewal' and 'protection'), it is not yet clear, without further details, how this would be effective for a large complex geographical and administrative area such as Wiltshire. It is also not yet clear how the three classifications would work in practice dovetailing with Neighbourhood Plans. Wiltshire is proud of the role Neighbourhood Plans have in ensuring effective empowerment for communities within the planning system and the White paper reforms present an opportunity to simplify and strengthen this area. More detail on the relationship between the three classifications and Neighbourhood Planning is therefore needed.
13. It is also noted that the term 'protection' implies no development. Development within protection areas might be appropriate if carefully designed and necessary (e.g. Conservation Areas and minerals and waste development).
14. The proposal for national development management policies is welcomed on the basis that it secures national environmental standards (e.g. BREEAM). However, there needs to be a provision for Councils to provide local context and vary policy where national policies do not cover local issues.
15. The consultation asks whether we agree with the introduction of a standard method for establishing housing requirements. Whilst we welcome an approach which ensures that each Council's provision contributes to meet the national target, this approach would need to enable sufficient local discretion to reflect local circumstances and opportunities. A standard mathematical approach will not provide this.
16. The White Paper proposes a 30-month process for Local Plans to be developed and adopted. This is set out in the table below.

Stage		
1	6 months	<i>Council 'call for' suggested areas of growth, renewal, protection, and what development should look like</i>
2	12 months	<i>Council prepares Local Plan and any necessary evidence. Higher risk areas would receive mandatory Planning Inspectorate advisory visits</i>
3	6 weeks	<i>Council submits plan to Secretary of State with a statement of reasons. Representations on how the plan should change and why.</i>
4	9 months	<i>Planning Inspector conducts examination to test whether the plan is sustainable. Their report could simply state agreement with all or part of the Council's or a representor's reasons</i>
5	6 weeks	<i>Local Plan comes into force.</i>

17. Whilst we fully support the need to streamline Local Plan processes, and speed up their delivery, it is important to safeguard the evidence-based methodology which underpins their soundness. They also need to allow for genuine stakeholder engagement and consultation. The proposal to produce a Local Plan in 12 months (stage 3) would be challenging for large unitary councils, such as Wiltshire Council where the technical evidence base would need to be formulated in order to inform the Plan. Whilst some small councils may be able to meet these proposed timescales, the role of Local Plans as effective place-shaping tools will diminish for larger Council areas. With complex housing market areas, high growth requirements with corresponding infrastructure, and an extensive geography, it is not reasonable to expect a large, complex area such as Wiltshire, to provide an evidence-led, stakeholder shaped Local Plan within such a tight timescale.
18. Furthermore, the proposal to transition to the new system within 30 months from the legislation would be particularly challenging, given the likely increase in growth that will need to be met using an evidence-led approach.
19. The proposal to make decision making on planning applications faster and more certain should be supported in its approach but not where this will undermine democratic accountability in decision making. Proposals to speed this up should not undermine this.
20. With regard to the question of whether Neighbourhood Plans should be retained these are an essential component of place-shaping, enabling local communities to set local priorities. Their production should be simplified and sped up, and they should be guaranteed as being material for the whole life of their plans, and not as at present in some circumstances, carry less material weight over two years old.

Pillar 2 - Planning for Beautiful & Sustainable Places

21. We are supportive of the use of national guidance to set out broad principles rather than establish a national design code. Any changes made should ensure that good design responds to the local context and character. Local design codes need to have real teeth to be effective, and so the proposal to make these mandatory is welcome. Nevertheless, design codes can only provide a baseline. There needs to be scope to work with developers to secure good design on a case by case basis.
22. The creation of a new national body to support design and building better places is welcomed. These proposals are supported in principle. However, the proposal to require each Council to have a Chief Design and Placemaking Officer is not necessary with an effective senior role to head up Place Making.
23. The White Paper refers to ambitious improvements in energy efficiency standards (*'From 2025 new homes should generate a 75% - 80% reduction in CO2 emissions, contributing to the 'net zero' target by 2050'*). Whilst the overall approach is welcomed, the importance of addressing climate change doesn't appear to feature heavily in the White Paper, which is disappointing. There should be more emphasis on how national and local climate targets should inform local plans. There should be greater clarity regarding the definition for 'zero carbon ready' homes, and greater emphasis on achieving 'zero carbon' homes more quickly.

Pillar 3 - Planning for Infrastructure & Connected Places

24. The Government is proposing to replace the CIL and planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value. Whilst a single planning obligation which draws section 106 obligations and CIL together is welcomed, the details will need to be seen in order to comment further. Some aspects of the proposed Levy are welcome, for example the link to values may avoid the need for viability assessments. However, the proposals to delay the payment of the levy would make it more difficult to secure important infrastructure (e.g. schools / health facilities /transport) 'up front' when it is needed.
25. The question is also asked as to whether Infrastructure Levy rates should be set nationally at a single rate, set nationally at an area-specific rate, or set locally? We propose responding to say that these should be set locally, in response to local needs and the local market.
26. We welcome the proposed flexibility of local authorities being able to borrow against the Infrastructure Levy, to support infrastructure delivery in our area.
27. The increase in effective enforcement powers and resources is welcomed.

Conclusion

28. In summary Wiltshire Council recognises the need to reform the current planning system, and the proposals within the White Paper are a welcome step forward in delivering this change. Wiltshire Council supports the Government's aim of speeding up the delivery of development whilst enhancing design quality.
29. Whilst Wiltshire Council is broadly supportive of these proposals, there are a number of areas within the consultation where we disagree with the proposals.
30. There are also resource implications for the Council to consider, especially in relation to the introduction of new digital resources for consultation. There will also be a need to resource two concurrent systems (e.g. plan-making) during the transition period.
31. Speeding up the delivery of development does not address the issue of developing out sites where permission has been granted. Nationally there are approximately 1 million dwellings with unimplemented planning permission. In order to meet the stated objective of more housebuilding nationally, the Government should deliver robust mechanisms to ensure that developers build out extant permissions.
32. The importance of providing sufficient funding for infrastructure improvements to accommodate growth is fundamental to the successful delivery of the national housebuilding agenda.
33. Whilst increasing the effectiveness of public involvement in the planning process is particularly welcomed the shift in the focus of public engagement from the planning application to the plan making stage could disadvantage communities if they are not able to effectively influence the allocation of specific sites which would be granted 'permission in principle'. Particular attention will need to be given to ensuring public engagement is genuinely able to influence and inform plan making.

Overview and Scrutiny Engagement

34. Because of the timescale set by MHCLG to respond to the consultation there has not been specific engagement with the Council's Overview and Scrutiny function. An all-member briefing was held on the White Paper on 2nd October.

Safeguarding Implications

35. There are no safeguarding implications arising from the Planning White Paper.

Public Health Implications

36. The White Paper makes recommendations about how the planning system will ensure place-shaping takes account of the health and well-being of communities. Wiltshire Council's response to the consultation will ensure reference is made to the importance of planning for sustainability, good housing, employment opportunities and maintaining a healthy and resilient environment.

Procurement Implications

37. There are no procurement implications arising from the Planning White Paper.

Equalities Impact of the Proposal

38. Because this is a response to a White Paper consultation an Equality Impact assessment (EqIA) has not been undertaken. New planning strategies such as the Local Plan will be informed by EqIA's.

Environmental and Climate Change Considerations

39. The White Paper consultation does impact on environmental and climate change considerations and specific points relating to these are referenced in paragraph 22.

Risks that may arise if the proposed decision and related work is not taken

40. If Wiltshire Council does not submit a response to MHCLG on the Planning White Paper consultation it will not have an opportunity to set out the impact of the proposals on Wiltshire and our stakeholders.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

41. None applicable.

Financial Implications

42. There are no significant financial implications arising from the Planning White Paper. Issues relating to CIL and s106 are covered in paragraph's 23-25 in the report.

Legal Implications

43. The contents of this report were reviewed by the Council's Director for Legal and Governance. The consultation on the White Paper will lead to government publishing changes to statutory provisions relating to planning and these will be further considered by the Council's Legal Services when published.

Workforce Implications

44. The proposed changes to the planning system will have implications for our professional planning staff in undertaking their work. The consultation on the White Paper will lead to government publishing changes to statutory provisions relating to planning and these will be further considered by the Council's Director for Economic Development and Planning in consultation with the HR Business Partner.

Conclusions

45. The conclusions are reached having taken the above implications into account. This paper summarises the broad issues which will inform the basis of Wiltshire Council's response to the consultation. The views of technical specialists across Wiltshire Council have been sought and their feedback, together with comments made in the Member Information Session on 2nd October, and the discussion at Full Council on 20th October will inform the response to the White Paper. Where appropriate our response to detailed questions in the consultation will be supported by evidence provided by our technical specialists.

Terence Herbert- Chief Executive

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12 October 2020

Appendices – None

Background Papers

['Planning for the Future' White Paper, MHCLG, August 2020](#)

[Briefing Note for Councillors on 'Planning for the Future' White Paper](#)