

Key points (more details on pages 2 – 5)

Consultation Documents (published 6th August 2020)

- 12 weeks consultation and the Council has until 29th October to respond
- Radical changes to the planning system are proposed requiring primary and secondary legislation.

Local Plans

- Local Plans to have three types of designation: growth areas (suitable for substantial growth), renewal areas (suitable for development); and protected areas to be prepared to a statutory timetable with the local plan complete within 30 months of enactment
- Public engagement to be front-loaded into the plan making process. Local plans are to be map based visual, standardised and based on the latest digital technology
- Green Belt to remain protected
- Nationally derived binding housing targets to be set for local planning authorities

Development Management

- Streamlined development management process through the greater digitalisation of the application process, validation as part of the submission process, standard national planning conditions to cover common themes, increased officer delegation, standardisation of supporting documents and possibly standardised decision notices.
- Stronger Enforcement
- Appeals - Improved and quicker planning appeal process following a refusal of planning permission. Application fee repaid if appeal is successful.
- Great emphasis on achieving higher standards of design.
- Affordable housing - temporarily lifting the small sites threshold (10), below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to stimulate economic recovery

Infrastructure and CIL

- Section 106 Agreements to be superseded and implemented alongside a consolidated Infrastructure Levy.
- The Infrastructure Levy would be a flat rate set at national level and would be applicable upon the granting of planning permission.
- The reformed Infrastructure Levy should deliver affordable housing provision. Local authorities would also be allowed to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

Background

The government has published a White Paper: Planning for the Future. This document sets out radical proposals to reform the planning system including a more zonal based local plans system. A key objective is to speed up the system with shorter simpler and more digitally based local plans and more certainty about the granting of planning permission. Sites, which conform to the growth/renewal zoning plans, will have either permission in principle or a presumption in favour. This would be a shift away from the current more discretionary system of considering each proposal on merit against the policies of the development plan to more of a rules based system. The consultation lasts until October 29th 2020.

A separate consultation document has been published proposing a new standard method for assessing local housing need (as an interim measure, pending the implementation of proposals in the White Paper to set out nationally derived and binding housing targets for local authorities that factor in constraints such as Green Belt). The consultation period for this document ends on 1st October 2020.

Proposals in more detail

Plan making: Zones

- Local plans to identify three types of zone
 - Growth areas – suitable for substantial comprehensive development including urban extensions, new settlements and areas for redevelopment. Sites in this category would have outline approval for development;
 - Renewal Areas – this would cover existing urban areas where smaller scale development is appropriate for example, the densification of residential areas within settlements and small sites within and on the edge of villages; sites in this category would have a statutory presumption in favour of development;
 - Protected areas – to include areas such as Green Belt, conservation areas, wildlife sites, open countryside and garden land where development is more stringently controlled. Development proposals in these areas would need to be subject to a planning application.
- Local plans to have clear rules about what is allowed and what is not permitted within these zones. Local plans to focus on site specific and area specific requirements. There would be a national suite of development management policies potentially backed up with more use of locally derived design codes.
- Public engagement is to be focussed on the early part of the plan making in what the White Papers terms “moving democracy forward” in the planning process.

- Statutory time limit of 30 months for local plan preparation with legislation setting out the timetable for key stages with sanctions imposed¹ if these are not met (see appendix for diagram of local plan process).
- Minister's expectation is that the new local plans would be in place by the end of this Parliament.
- Planning Inspectorate to examine local plans against a single sustainable development test replacing the current tests of soundness. The Duty to Cooperate would be removed and further consideration is to be given to how strategic cross boundary issues are to be dealt with.
- A nationally determined binding housing requirement that local authorities would have to deliver through local plans that would take into account housing need, urban capacity and constraints including the Green Belt.
- It will be possible for local authorities to agree to a different distribution of their requirements in the context of joint planning arrangements
- As an interim measure, a new standard method for calculating Housing Need based on projected household change and affordability factors designed to increase housing in areas where there are significant affordability issues² and meet the government's objective of building 300,000 homes per annum is set out in a separate consultation paper.
- The government is considering scrapping the five-year housing land supply requirement. Housing Delivery Test is likely to remain in place.

Streamlined development management process

- Decision making should be faster and more certain, with firm deadlines and make greater use of digital technology.
- The well-established 8 and 13 week deadline for the determining planning applications should be a firm deadline, not an aspiration. With the possibility of refunding of the planning fee if the application is not determined within the timeframe or deemed to have been granted.
- How will this be achieved? Greater digitalisation of the application process, validation as part of the submission process, standard national planning conditions to cover common themes, increased officer delegation, standardisation of supporting documents and possibly standardised decision notices.

¹ The new style of local plan would have to be prepared within 30 months of the coming into force of the legislation. If the local authority has adopted or submitted a local plan within the previous three years then the period would be 42 months from the date of legislation or adoption of the local plan whichever is later.¹

² Consultants Lichfields have calculated the housing need using the proposed new standard methodology for the Nottingham Core Housing Market Area where the annual need would be 3319 housing units per annum in comparison the annual figure in the ACS that is 2939 homes per annum.

- Appeals - Improved and quicker planning appeal process following a refusal of planning permission. Planning Inspectorate to be more flexible and utilise more digitalisation in the appeal process.
- Appeals – application fee repaid if appeal is successful.
- Stronger Enforcement – more emphasis on enforcement of planning standards and decisions. Higher fines for intentional unauthorised development.
- Affordable housing - temporarily lifting the small sites threshold (10), below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to help stimulate economic recovery with a particular focus on SME's. This would be for an initial 18 month period to allow monitoring of the impact of the change.
- Extending Permission in Principle to cover major development. (The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when detailed development proposal are assessed.
- Each local planning authority would be required to have a chief officer for design and place-making.

Digitalised planning

- Local Plans should be mapped based visual, standardised and based on the latest digital technology. The use of digital texts to allow machine reading to screen applications against the design codes is encouraged.

Design and sustainability

- Great emphasis is placed on achieving higher standards of design. A National Model Design Code to be published setting out more detailed parameters for development by location. Local Authorities are encouraged to prepare their own locally derived design codes with input from the community.
- The NPPF is to be amended so as to target those areas where the reformed planning system can be effective in addressing climate change such as identifying sites for renewable energy or woodland planting.
- Plans and proposals will need to consider the environmental impacts likely to arise. Strategic Environmental Sustainability Appraisal and Environmental Impact assessments are to be replaced with a more simpler, easy to understand and consolidated form.

Planning for infrastructure and CIL

- Seeks to make developer contributions responsive to local needs, transparent, consistent and simplified and buoyant (susceptible to changes in market conditions)
- Section 106 Agreements to be superseded and implemented alongside a consolidated Infrastructure Levy.
- This will work in much the same way as the existing Community Infrastructure Levy but will most notably be amended to facilitate the provision of Affordable Housing.
- The reformed Infrastructure Levy should deliver affordable housing provision. This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement.
- To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality.
- The Infrastructure Levy would be a flat rate set at national level and would be applicable upon the granting of planning permission.
- Retain minimum value based threshold below which development is not chargeable.
- To better support the timely delivery of infrastructure, local authorities would also be allowed to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.
- The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights to better capture changes of use which require planning permission.
- Self and custom-build development will likely remain exempt from the Infrastructure Levy.
- Neighbourhood share to be retained to be allocated to local community groups such as parish councils.
- More freedom could be given to local authorities over how they spend the Infrastructure Levy allowing them to spend receipts on their policy priorities.
- The costs of operating the planning system should be principally funded by developer contributions rather than the national or local taxpayer.
- The government has promised to develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. Proposals for improving the resourcing of planning departments" will be published "later this year.

Appendix

Local Plan Preparation: Key Stages

