

County Council – 18 September 2020

Item 7(b) - Notice of Motion by Cllr Bradbury

Government Planning Consultation - Briefing Note

Introduction

The Government is currently undertaking two consultations about the planning system. The first is about [changes to the current planning system](#) - the deadline for comments is 1 October 2020.

The second consultation is a White Paper on the [future of the planning system](#) – the deadline for comments is 29 October 2020.

Changes to the Current Planning System

The consultation sets out proposals for measures to improve the effectiveness of the current system. The four main proposals are:

1. Changes to the standard method for assessing local housing need. As well as being a proposal to change guidance in the short term, it has relevance to proposals for land supply reforms set out in 'Planning for the Future' (see below);
2. Securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
3. Temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders (as the economy recovers from the impact of Covid-19);
4. Extending the current 'Permission in Principle' to major housing-led development so that landowners and developers have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

Although the Government is proposing changes to the method for calculating local housing need in the short-term, the intention is that it would form part of wider proposals for setting a nationally-determined, binding housing requirement for local plans. However, the consultation does not set out how this binding requirement would be calculated, as that will be determined following the 'Planning for the Future' consultation (see below).

The Government has based the proposed new approach on a number of principles for reform. These include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.

Overall, the proposed changes to the current planning system do not have a direct impact on the County Council as a minerals and waste planning authority and as planning authority for determining planning applications for its own development, such as, schools. However, if the proposed changes to the housing need methodology

result in an increase in housing numbers in West Sussex, it will have a direct impact on the delivery of County Council services.

'Planning for the Future' White Paper

'Planning for the Future' sets out plans to undertake a fundamental reform of the planning system, which is accompanied by the shorter-term measures outlined above. The Government's intention is to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.

There are five main themes in the White Paper:

1. streamlining the planning process with more democracy taking place more effectively at the plan-making stage;
2. a radical, digital-first approach to modernise the planning process, which means moving from a process based on documents to a process driven by data;
3. bringing a new focus on design and sustainability;
4. improving infrastructure delivery in all parts of the country and ensuring developers play their part; and
5. ensuring more land is available for the homes and development people and communities need, and supporting renewal of town and city centres.

The main proposals include:

- a) simplifying the role of local plans, with a focus on identifying land under the following three categories, together with a streamlined planning applications process:
 - *Growth* areas suitable for substantial development, including new settlements, urban extensions, and areas for redevelopment. Outline planning permission to be automatically granted for the forms and types of development specified in the local plan. Detailed planning permission would still be required;
 - *Renewal* areas where smaller-scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas (such as small sites within or on the edge of villages). Pre-specified forms of development to be automatically granted if schemes meet design and other prior approval requirements. Planning permission would be required for other forms of development; and
 - *Protected* areas where development would be restricted, including Green Belt, Areas of Outstanding Natural Beauty (AONB), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. Planning applications would be judged against national planning policies.
- b) local plans setting clear rules rather than general policies for development, with general development management policies being set nationally and the focus of local plans being on identifying site and area-specific requirements, alongside locally-produced design codes.
- c) local plans being subject to a single statutory 'sustainable development' test, replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability), and abolishing the 'Duty to Cooperate'.

- d) strengthening enforcement powers and sanctions through a move to a rules-based system.
- e) introducing a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing ecosystems.
- f) replacing the current system of developer contributions (the Community Infrastructure Levy and planning obligations) with a nationally-set, value-based flat rate charge ('the Infrastructure Levy').
- g) giving local authorities greater powers to determine how developer contributions are used, including by expanding the scope of the Levy to cover affordable housing provision.
- h) extending the scope of the Levy and removing exemptions to capture changes of use through permitted development rights.
- i) a new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their local plans.

The proposed changes to the planning system will have a direct impact on the County Council, including the preparation of minerals and waste local plans, the determination of planning applications, and enforcement action against unlawful development. The proposed changes to the developer contributions system will also have a direct impact on the Authority.

As with the proposed changes to the current system, the proposed introduction of binding housing requirements is likely to have an indirect impact on service delivery.

Landscapes review: National Parks and Areas of Outstanding Natural Beauty

In May 2018, the Government asked for an independent review into whether the protections for National Parks and AONBs are still fit for purpose, what might be done better, what changes will help, and whether the definitions and systems in place are still valid. The report of the review panel, led by Julian Glover, was published in September 2019. Neither consultation refers to the report or its recommendations.

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