

Planning for the Future
An initial Briefing and Discussion Note

Summary

This note attempts to set out the key points and issues for Parish, Town & Community Councils in Newcastle & Northumberland

It does not cover every issue raised in the White Paper and comments are welcomed, particularly if others spot an issue which they consider may affect our councils.

If possible please send any thoughts or comments by email to us by 30 September 2020.

This is to enable the Association's response to be formulated and sent to the national NALC as well as MHCLG. The timetable is short but it is not of our making.

Key issues are

- Zoning, Neighbourhood Plans and IT
- Abolition of CIL and S106 Obligations
- Greater Permitted Development Rights
- Provision of affordable homes
- Protection of the Green Belt and other areas

The proposals only apply to England as planning is devolved in Northern Ireland, Scotland and Wales

The national NALC are seeking views by 1700 15 October 2020, the timetable being dictated by the Govt.

At the end of the note are links to some other useful sources of information. Please note that some RTPi content is only available to RTPi Members.

1: The White Paper

1.1 The White Paper, Planning For the Future, was published by MHCLG on Tuesday 6 August 2020 and the consultation closes at 1145 on 29 October 2020. There are other papers published at the same time on

1.2 The consultation is at

<https://www.gov.uk/government/consultations/planning-for-the-future>

1.3 The Govt.'s aims are

reforms of the planning system 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.

1.4 The apparent theme of the proposals is a return to the top-down approach to planning with seemingly little discretion at local level. I heard one commentator saying the paper marks the death of the *Localism Agenda* espoused by Sir Eric Pickles.

1.5 Initial professional comments have tended to refer to the lack of evidence to support many of the statements in the White Paper. Publication of such a significant set of proposals during the summer break is, to say the least, unusual.

2: Zoning, Neighbourhood Plans & IT

2.1 Probably the most significant proposal is to identify land under 3 categories –

- Growth areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan;
- Renewal areas suitable for some development, such as gentle densification; and
- Protected areas where – as the name suggests – development is restricted.

2.2 Local Plans will be significantly shorter in length (MHCLG expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.

Issue One - There is an expression to retain Neighbourhood Plans but it is unclear if they will remain part of the Local Plan, or indeed what the role of the Neighbourhood Plan is to be other than to say they should be more focused “to reflect our proposals for Local Plans”

2.3 The White Paper places heavy emphasis on digital engagement but there is, as yet, no detail on what this is to be.

Issue Two – The ability to read plans (for example) on household IT equipment is difficult. How will MHCLG and local planning authorities actually engage with Local Councillors and parishioners.

2.4 The intention, particularly in Growth Areas, is for any engagement with communities to be in the designation of areas and not in connections with individual proposals. Local planning authorities will have to complete the zoning exercise with 30 months.

Issue Three – Are these engagement proposals realistic for Local Councils and their Communities

3: Abolition of CIL and S106 Obligations

3.1 Instead of negotiated S106 Obligations and/or the locally set CIL, the Govt. proposes to have a single nationally set “Infrastructure Levy”. The White Paper says

“We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.”

3.2 Commentators have pointed out this seems similar to previous attempts to capture increases in land value brought about by permission for new developments going back to the 1947 Development Charge.

Issue 4 – Whilst a single national system is likely to be simpler, previous attempts have not been successful. The White Paper is silent on how such a levy will cater for the variation of circumstances across England.

4: Greater Permitted Development Rights

4.1 A recurring theme of the planning system in recent years has been the increase in permitted development rights where capable of implementation without notice to the local planning authority and those requiring prior notification but where the powers of the local planning authority are very constrained, often limited to saying whether or not the criteria are met within a short timescale.

4.2 Local communities can there see the commencement of potential significant developments without having had an opportunity to input into the concepts. Local antagonisms occur and communities feel disenfranchised. Pious suggestions that developers should consult local councils and communities are often given token or no weight.

4.3 The White Paper seeks to have better design as one of its outcomes. Unfortunately, there is, as yet, little detail on how this will be achieved in practice

Issue 5 – Will the Permitted Development Rights proposals achieve one of more of the White Paper's aims?

5: Affordable Housing

5.1 Accompanying the White Paper is a Design and Delivery Document issued as a response to an earlier consultation on First Homes

<https://www.gov.uk/government/consultations/first-homes>

5.2 Within that Paper are statements of an intention to make significant changes using existing powers ahead of implementation of the White Paper's proposals.

5.3 These include

- A £250k price cap, after discount, on First Homes outside London with an income cap of £80k outside London
- Local planning authorities can set lower income caps for the first three months of a sale providing they can show evidence and viability
- Some letting of a First Home will be permitted for the first two years
- Some local connection policies are allowed, provided there is evidence in support. Those policies will not apply to members of the Armed Forces and recently retired veterans (for five years after leaving the Forces)
- ACRE (Action with Communities in Rural England) have indicated an understanding that changes will be made so no affordable homes will be required on sites of less than 40 homes.

5.4 There is heavy emphasis on purchase of First Homes. How realistic is that when even discounted prices are beyond the reach of many? Should there be an acceptance of the real role of the rented sector? What will the impact of greater digital working which seems almost certain as an outcome of Covid-19. It is possible that some parts of our area could see an upsurge in property demand as people no longer need to factor in daily commuting.

Issue 6 – Will these increase the availability of homes for the lower paid within our communities. Key workers are often in jobs which are paid at, or close to, the national minimum wage and which are not capable of being worked remotely. Already in some areas, key workers have to commute, often by private vehicles, given the decline in public transport.

6: Protection of the Green Belt and other areas

6.1 At first sight the concept of *Protected Areas* seems to indicate the continuation of these protections. The White Paper is however short on detail and whether Green Belts should be shrunk to allow for the new housing.

6.2 There is an intention to produce design guides to encourage better design.

Issue 7 – How do existing areas such as the Green Belts, Conservation Areas, AONBs and National Parks sit within the proposed new system.

7: Conclusion

7.1 The White Paper proposes a radical transformation of the English Town & County Planning system, with local involvement seemingly to only occur during the preparation of the Local Plan and its supporting Design Guides.

7.2 Many of the proposals will require primary legislation and it is likely that whatever emerges from the Parliamentary process will differ, perhaps radically so, from these proposals.

7.3 It is therefore a moving picture which will take months if not years before the new shape of planning is seen.

Stephen Rickitt

Chief Officer

Northumberland Association of Local Councils

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Links

The White Paper

<https://www.gov.uk/government/consultations/planning-for-the-future>

The First Homes Response

<https://www.gov.uk/government/consultations/first-homes>

The Royal Town Planning Institute

<https://www.theplanner.co.uk/opinion>

ACRE

<https://acre.org.uk/>

The following are to webinars and/or comments by lawyers

<https://www.shoosmiths.co.uk/insights/comment/the-planning-white-paper-august-2020>

<https://localgovernmentlawyer.co.uk/planning/318-planning-features/44646-the-planning-white-paper>

I expect more commentary will become available over the next few weeks