

## HAMPSHIRE COUNTY COUNCIL

### Report

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| <b>Committee:</b>   | Economy, Transport and Environment Select Committee |
| <b>Date:</b>        | 8 October 2020                                      |
| <b>Title:</b>       | Planning White Paper                                |
| <b>Report From:</b> | Director of Economy, Transport and Environment      |

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#### **Purpose of Report**

1. To update members on the recent government consultations on changes to the Planning system.

#### **Recommendation**

2. That the Economy, Transport and Environment Select Committee notes the government White Paper “Planning for the Future” and provides comments for consideration by the Leader in finalising Hampshire County Council’s response to the consultation.

#### **Contextual Information**

3. The Government launched its highly anticipated white paper on planning reforms on 6 August 2020 entitled “Planning for the Future”. The paper sets out long term, regime changing proposals for the planning system in England.
4. Whilst the government is keen to swiftly move to implement sweeping reforms, it wishes to bring about more immediate changes for the short to medium term and thus a second consultation paper was also published on 6 August entitled ‘Changes to the current Planning System’. This second paper proposed measures that will be introduced to supplement the current planning regime whilst also feeding into the wider reform proposals. The closing date for this consultation was 1<sup>st</sup> October, and Hampshire County Council, along with many others, submitted comments on this document, and in particular the issues surrounding the methodology for setting housing targets in local plans.

#### **Planning for the future**

5. The white paper proposes fundamental reforms to the planning system in England by seeking to:

- streamline the planning process with more democracy taking place more effectively at the plan making stage.
  - take a radical, digital-first approach to bring about modernisation of the planning process by moving from a process based on documents to a process driven by data.
  - bring a new focus on design and sustainability, particularly in the climate change context.
  - improve infrastructure delivery in all parts of the country and ensuring developers play their part, through reform of developer contributions.
  - ensure more land is available for homes and development and to support renewal of town and city centres.
6. Specifically, the white paper proposes three Pillars to bring about these reforms:
- Pillar 1: Planning for Development
  - Pillar 2: Planning for Beautiful and Sustainable Places
  - Pillar 3: Planning for Infrastructure and Connected Places

#### Pillar 1: Planning for Development

7. This Pillar almost entirely focuses on the changing purpose and structure of Local Plans, making them more standardised, digitised and map led. Site allocations will be more definitive and the Plans will identify three types of land; **Growth** (areas suitable for substantial development), **Renewal** (areas suitable for development in already developed spaces) and **Protected** (sites currently marked as AONBs, Green Belt, conservation areas – National Parks are not referred to).
8. By categorising land as **Growth**, it will then automatically benefit from outline planning permission. Land that is categorised as **Renewal** will benefit from permission in principle (PiP). A two-stage process for granting final permission is detailed within that paper and based on the existing PiP regime. Proposals on land categorised as **Protected** would be subject to approval mainly through national policies contained within the National Planning Policy Framework (NPPF).
9. Local Plans will need to be brought forward within statutory timescales, stated to be 30 months. A noteworthy part about this is that only 6 weeks are identified for engagement with statutory consultees and the public. This may place resource pressure on the County Council to respond in a timely manner. There are also rigid timings on determination of applications with potential financial penalties or automatic approval if these are not met.

#### Pillar 2: Planning for Beautiful and Sustainable Places

10. The National Model design code is to be published in the autumn and will set out more detailed parameters for development such as arrangement, proportions, positioning, hierarchy of public spaces, parking arrangements, placement of street trees and walking and cycling provision. This marks another shift to national control over design standards, but the proposals do indicate that local guides and codes should be prepared wherever possible, as part of or supplemental to Local Plans. It is not clear what involvement consultees such as the County Council might have in this design code process.
11. The proposals to make all streets tree lined will impact on the Council's statutory interests. There is a separate consultation underway relating to England's Tree Strategy.

### Pillar 3: Planning for Infrastructure and Connected Spaces

12. One of the most important proposals and potentially most impactful for the County Council is the proposal to abolish S106 obligations and the Community Infrastructure Levy (CIL) regime and replace both with a national Infrastructure Levy (IL). This will be nationally set and based upon a flat rate, value-based charge. This levy would be charged on the final value of a development, to capture some of the uplift in land value brought about because of the permission and would be levied on occupation and not on commencement to assist with affordability and viability for small building companies. The intention is that the levy would be spent locally, although the County Council will not be a collecting authority.
13. All proposals under this pillar result in the removal of s106 obligations because they are seen to be opaque and uncertain. Whilst in principle developer contributions can be removed from the s106 framework, it is unclear how infrastructure itself and other non-financial obligations will be secured if s106 agreements fall away without an appropriate mechanism introduced to replace them.

### **Issues for the County Council and emerging response**

14. Officers are in the process of collating comments from colleagues across the County Council, including a discussion at the Cabinet meeting on 29<sup>th</sup> September. The general aim of simplifying the planning system and providing greater clarity and consistency is supported. However, there are a number of areas within the proposals where further detail and clarification is required.
15. The Council has used s106 for funding infrastructure to good effect in the past but has experienced how difficult it can be to obtain contributions from Local Planning Authorities from CIL receipts. How the national Infrastructure Levy will work in the longer term and how upper tier authorities will access the funding is of concern. Whilst the detailed working of any such system has yet to be set out, the deferral of payment to the end of construction would seem to go against the principle of up front infrastructure provision, which has been

County Council policy, and such an important component of successful major developments in Hampshire, such as Whitehill Bordon. Local Authorities will, however, be able to borrow against future IL payments to forward fund infrastructure.

16. S106 Agreements are not only used for financial contributions, but also to secure direct infrastructure provision and other obligations, such as highways works, travel plans, school land etc. How these obligations will be secured in the future has not been referred to.
17. The proposal to identify all land under one of 3 headings seems like a blunt instrument and land may be difficult to define in such black and white terms within existing complex urban/rural landscapes. Whilst clarity assists the process, the proposed approach does not appear sufficiently sophisticated to consider and retain the quality and diversity of places across Hampshire.
18. The proposal to abolish the Duty to Cooperate in the absence of any strategic scale planning will affect the ability to plan strategically across authorities within Hampshire and also with neighbouring authorities on issues such as Minerals and Waste Plan making.
19. The aim to speed up the process of Local Plan production, introducing statutory set timings while requiring “best in class” public engagement appears to be a conflicting ambition given the time taken to engage with an ever increasing number of stakeholders and the expectations of those groups.

## **Conclusions**

20. The deadline for the submission of comments on the consultation is 29 October 2020 and officers are in the process of preparing a draft response for final sign off by the Leader in consultation with the Deputy Leader, in pursuance of the resolution of the County Council Cabinet on 29<sup>th</sup> September.