



City of Westminster

Planning & City Development Committee

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Classification: General Release

Title: The Planning White Paper 'Planning for the Future'

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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1. Executive Summary

- 1.1 This report provides an overview of the proposals set out by Government in the Planning White Paper 'Planning for the Future'¹ and identifies those aspects that would have the most significant impact on planning in Westminster, should they come forward in the form currently proposed.
- 1.2 The Planning White Paper was published in August 2020 and sets out the Government's proposals for reform of the planning process in England. The proposals are wide ranging and amendment or reform of almost all areas of the current planning regime in England are proposed. The primary aims are to support increased housing delivery, speed up the plan making and decision-making processes, and promote 'beautiful' design through planning. The Government's aim is to undertake their reforms to the planning system in England by the end of the current parliament (2024).
- 1.3 The White Paper is a consultation document and poses a significant number of questions on the proposals for planning reform that it promotes. The consultation period runs until the 29 October 2020. A working group of officers from all relevant directorates and departments has been established to co-ordinate a consultation response on behalf of the City Council. As part of the formulation of the Council's consultation response officers have engaged with residents' groups to ensure that their key issues, both in terms of area of support and concern, are represented in the Council's response. Should the Council's finalised response to the White Paper be available prior to the committee meeting, this will be circulated to all committee members.

¹ Planning For the Future – White Paper August 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the possible impacts of the Planning White Paper proposals on future planning plan making and decision making in Westminster.

3. Background

Introduction

- 3.1 The proposals in the White Paper are grouped under three 'pillars', Pillar One: Planning for development, Pillar Two: Planning for beautiful and sustainable places, and Pillar Three: Planning for infrastructure and connected places.
- 3.2 The following paragraphs provide a summary of the policies set out within each section of the Planning White Paper.

Pillar One: Planning for Development

- 3.3 The following policies are proposed in Pillar One:
1. Introduction of the zoning of land into *Growth*, *Renewal* and *Protect* areas within Local Plans.
 2. Development management policies to be established at national level
 3. Local Plans to be subject to a single statutory 'sustainable development' test, replacing the tests of soundness.
 4. Standard method to establish housing requirement figures for each local authority.
 5. *Growth* areas to be given automatic planning permission ('Permission in Principle') for the principle of development.
 6. Decision-making to be faster and more certain, with firm deadlines and greater use of digital technology.
 7. Local plans to be more visual and map-based, standardised, based on a template.
 8. Statutory timescales for key stages of the plan-making process.
 9. Neighbourhood plans to be retained.
 10. Stronger emphasis on encouraging build-out through planning.

Pillar Two: Planning for Beautiful and Sustainable Places

- 3.4 The following policies are proposed in Pillar Two:
11. Introduction of local design guidance and design codes that are to be prepared with community involvement. These are to be more binding on decisions about development and must be demonstrated to have had local community input if they are to be afforded weight in the planning process.
 12. A national body will be set up to support the delivery of provably locally popular design codes. Each local authority should have a chief officer for design and placemaking.
 13. Amend the strategic objectives of Homes England to give greater emphasis to delivering beautiful places.
 14. Introduce a 'fast track for beauty' by changing national policy and legislation. This is to be delivered in three ways:
 - Update the NPPF to make clear schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

- In Growth areas masterplans and site-specific codes are to be agreed as a condition of the permission in principle which is granted through the plan. Local authorities will need to prepare these alongside local plans or subsequently.
 - Amendments to widen and change the nature of permitted development, so that it utilises 'pattern books' to enables delivery of 'popular and replicable' forms of development more easily and quickly.
15. Amend the NPPF to enhance the role of the planning system in mitigating and adapting to climate change.
 16. Amend the framework for assessing environmental impacts to speed up the process whilst maintaining protection for important habitats and species.
 17. Review the planning framework for listed buildings and conservation areas to ensure their significance is conserved whilst allowing sympathetic change to support continued use and to address climate change.
 18. Improvement the energy efficiency standards for buildings required by Building Regulations to complement planning reforms and help deliver the national commitment to net-zero by 2050.

Pillar Three: Planning for Infrastructure and Connected Places.

3.5 The following policies are proposed in Pillar Three:

19. Community Infrastructure Levy (CIL) to be reformed and charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or rates and the current system of planning obligations abolished. Replacement for CIL to be known as the Infrastructure Levy.
20. The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights
21. The reformed Infrastructure Levy should include the delivery of affordable housing provision, rather than these being captured via a separate process (Section 106) as at present.
22. More freedom could be given to local authorities over how they spend the Infrastructure Levy.

4. Considerations

Overview

- 4.1 In advance of the finalisation of the Council's formal response to consultation on the Planning White Paper, the areas where the Council wishes to support, question and object to the Government's proposals have yet to be confirmed. Therefore, the commentary below provides a high-level overview of the principal proposals and objectives of the White Paper.
- 4.2 It should be noted that the proposals set out in the White Paper are outlined at a high level and further detail will be required from Government in future to be able to identify what their full impact will be in Westminster. It is expected that further detail will be provided by Government on the aspects of the White Paper that it intends to take forward to implementation in the 12-18 months following the end of the consultation period at the end of October 2020.

Pillar One: Planning for Development

- 4.3 In Pillar One the White Paper argues that local plans are currently too complex and take too long to produce, and that the current decision-making process is too unpredictable for applicants and developers. To tackle these concerns the White Paper proposes the introduction of zoning of land into Growth, Renewal and Protect areas within Local Plans, with local plans reduced in size by national setting of development management policies within a revised NPPF.
- 4.4 The White Paper proposes that local plans would focus on allocating land within the three zones, with most development management policies set nationally. Most of Westminster would likely fall into the Protect category, due to its conservation area status. A new shorter statutory timescale for adopting local plans is set out. It is proposed to introduce a nationally set housing requirement for each local authority area, which the land allocations within each local plan will be required to satisfy. Associated consultation by Government on the current planning system sets out a reformed standard method for assessing local housing need. However, this fails to adequately take into account land supply and heritage constraints, resulting in an undeliverable increase of 4,254 homes in Westminster's annual housing need target. This equates to a 484% increase against the emerging London Plan annual target for new residential units. As such, if the emerging replacement standard method is not reconsidered to appropriately take account of land supply and heritage constraints then the future national setting of housing provision targets would be a significant concern for Westminster.
- 4.5 Within Growth areas automatic permission for the principle of development would be given, with the expectation that development on these sites would be built out in accordance with Design Codes to provide more certainty. The decision-making process in Renewal and Protect areas is less clear but appears closer to the current system; albeit with increased use of permitted development rights in Renewal areas.
- 4.6 The White Paper aims to make the decision-making process for applications faster and more certain, with firmer deadlines (including penalties for LPAs where deadlines are missed) and greater use of digital technology. Planning application fees are to continue to be nationally set, but provision of additional resourcing is suggested. This is balanced by reference to greater controls on pre-application and planning performance agreement fees. There is no reference to additional responsibility for the development industry to deliver increased housing delivery.
- 4.7 Neighbourhood plans are to be retained, but there is limited detail in the White Paper as to their future scope and purpose. Diminishing the role of neighbourhood plans would be regrettable as many communities in Westminster have engaged in the current process as an opportunity to help shape their own neighbourhoods.

Pillar Two: Planning for Beautiful and Sustainable Places

- 4.8 Pillar Two focuses on amendments to the planning process to better enable the creation of 'beautiful' places that will stand the test of time, protect and enhance the environment, and support efforts to combat climate change.
- 4.9 The White Paper proposes the introduction of local design guidance and design codes that are prepared with community involvement, which will be used to give developers and applicants more certainty of planning outcomes where a scheme is in compliance with a design code. Allied to this approach, a 'fast track for beauty' is proposed by changing national policy and legislation. This is to be introduced by changes to the NPPF, use of design codes for sites in Growth Areas and introduction

of 'pattern books' of 'popular and replicable' forms of development for permitted development schemes in Renewal areas.

- 4.10 The White Paper also undertakes to amend the NPPF to enhance the role of the planning system in mitigating and adapting to climate change and make complimentary changes to Building Regulations to improve energy efficiency standards for buildings to help deliver the national commitment to net-zero by 2050.
- 4.11 Further proposals are also set out in Pillar Two for future amendments to the framework for assessing environmental impacts (aimed at speeding up this process) and to the framework for conserving the significance of listed buildings and conservation areas to seek to better enable sympathetic change that supports continued use of heritage assets and to address climate change.

Pillar Three: Planning for Infrastructure and Connected Places

- 4.12 Pillar Three sets out to address the government's concerns with current processes for securing planning obligations, which are viewed as uncertain and opaque, overly reliant on viability assessment and also cause uncertainty for communities about the level of affordable housing and infrastructure that development will bring. The White Paper concludes that the current system results in additional cost, delay and inconsistency and this can act as a barrier to entry to the market particularly for small and medium scale developers.
- 4.13 The White Paper sets out to ensure that developer contributions are in future more responsive to local needs, and a fairer contribution is sought from developers for local communities, so that the right infrastructure and affordable housing is delivered. The aims are for the system to be more transparent, so it is clear to existing and new residents what new infrastructure will accompany development, consistent and simplified, to remove unnecessary delay.
- 4.14 To achieve this reform of CIL (to be known as the Infrastructure Levy) is proposed. It is proposed that the Infrastructure Levy would be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or area-based rates. The current S106 system for negotiation of planning obligations would be abolished. The scope of the new Infrastructure Levy would be extended to capture changes of use through permitted development rights, which currently do not attract CIL.
- 4.15 The aspiration is that the reformed Infrastructure Levy would deliver affordable housing provision via a new methodology where the amount of discount given to a Registered Provider for each affordable home would be funded from the Infrastructure Levy contribution of each site. The White Paper also sets out that more freedom could be given to local authorities over how they spend the new Infrastructure Levy, including its potential use to fund the Council's planning functions.

5. Financial Implications

- 5.1 As the Planning White Paper is a consultation document seeking comments from all stakeholders on the Government's proposals for the future of the planning system in England it does not currently pose financial implications, as the aspects to be taken forward to implementation, and the detailed form they may take, have yet to be established. As Government makes progress with their proposals and moves toward

implementation of changes to the planning system, officers will report on these emerging changes and their likely financial implications.

6. Legal Implications

6.1 None.

7. Conclusion

7.1 The Planning White Paper proposes significant change to the current planning system in England. The aims of the White Paper, to increase housing delivery, speed up and streamline both the plan-making and decision-making processes and better promote 'beautiful' design are supported. However, the lack of detail in the White Paper leaves significant questions about how these aspirations are to be achieved and in many instances further detail will be required following consultation on the White Paper to fully understand the impact that the proposals will have on the management of development and the delivery of good growth in Westminster in the future.

7.2 As noted in paragraph 1.3, the Council's formal consultation response, setting out in detail the Council's position on the proposals in the White Paper, will be circulated to members if it has been finalised by the date of the committee meeting.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

Background Papers:

None.