

Response and Recovery Committee

29 October 2020

The Council's responses to the Planning White Paper consultation

Report by Tim Naylor, Assistant Director for Strategic Planning and Infrastructure

Relevant Portfolio Holder: Councillor Rebekah Moll, Portfolio Holder for Planning Policy and Culture

Purpose:

To brief members on the content of the Government's 'Planning for the Future' White Paper consultation.

To **RESOLVE** that:

1. the proposals set out in the recent White Paper be noted.
2. the responses to the consultation questions as set out in **Annex A** to the report be agreed.

Benefits to the Community:

To ensure the Council plays an active part in influencing future Government policy.

Key Points:

- A. This report seeks agreement from members on the Council's responses to the '*Planning for the Future*' White Paper consultation.
- B. The White Paper sets out proposals for a series of fundamental reforms to the planning system in England, covering plan-making, development management, and development contributions.
- C. The consultation for the White Paper opened on 6 August 2020 and closes on 29 October 2020.

Context:

1. On 6 August 2020, the Government issued a consultation on the ['Planning for the Future' White Paper \(August 2020\)](#)
2. The proposed changes are significant and will likely to have far-reaching implications for the planning functions of this Council in the future.
3. The proposals present a number of potential risks to the character and local distinctiveness of Kingston and the valuable historic character of the borough.
4. The implications for effective resident involvement with the planning process and democratic decision making will be significantly affected by the proposals.

5. Application of a standard method for assessing housing need is inappropriate, would increase housing targets by 58% and may have a significant detrimental impact upon the Council's ability to effectively tackle the Climate Emergency.
6. The White Paper significantly lacks the detail regarding the implementation of proposals that is necessary to achieve an effective and comprehensive consultation with the key stakeholders. A lack of detail that significantly detracts from understanding the effectiveness of the proposals under consultation.
7. Members should refer to the White Paper for the detail of each proposal.
8. Paragraphs 10-48 of this report provides a summary of White Paper's proposals and a consideration of the implications for the borough's residents. **Annex A** of this report sets out the Council's responses to the proposal questions.

A New Approach to the Plan Making process

9. The new-style Local Plans would focus on identifying land suitable for different types of development and non-development under three categories (Growth, Renewal and Protected). Plans would also set out the types and forms of development suitable in each area and any site-specific requirements.
10. Plans would no longer contain general development management policies; these are to be set out nationally in a revised National Planning Policy Framework.
11. The paper also expects authorities to make greater use of digital technologies, for plans to be more visual and map-based, and utilise digital tools to modernise the planning process.
12. Local planning authorities and the Planning Inspectorate would be required through legislation to meet a statutory timetable for key stages of the plan-making process of no more than 30 months in total (or up to 42 months for those who have adopted a Local Plan within the previous three years or where a plan has been submitted for examination), and sanctions for those who fail to do so.
13. The paper proposes that the existing 'test of soundness' would be replaced by a single 'sustainable development' test. There would be a simpler and quicker process for assessing environmental impacts and viability. The statutory 'duty to cooperate' would also be abolished and replaced.
14. All local planning authorities would be required to have an up-to-date Local Plan by December 2023. Authorities that fail to get their plan in place, or keep it up-to-date would be at risk of government intervention. The paper indicates that transitional arrangements would be put in place to minimise disruption to existing plans and development proposals.

Implications for Kingston's communities:

15. Overall there are fewer opportunities for meaningful consultation regarding the detail of development at the planning application stage and a significant reduction in Member involvement in determining planning applications. Greater emphasis for opportunities for involvement of communities is focussed at the plan making stages.

16. There is concern the proposed zonal approach would lead to residential uses being prioritised above all other land uses, and authorities would have little control over the types and mix of developments coming forward in their area (including on the tenure and bed sizes of housing proposals).
17. There is a lack of detail regarding the methodology intended to assess and classify Growth, Renewal and Protected areas and the mechanisms to validate the classification which may have significant resource implications and could be potentially cumbersome. Detailed guidance is required to illustrate how competing suggestions and proposals for an area's categorisation should be considered through the plan-making process to ensure local authorities adequately consult and meet the proposed timetable.
18. A one size fits all statutory timetable for plan-making across the UK and sanctions for councils that fail to meet it, is inappropriate and fails to differentiate between densely populated urban boroughs and rural areas which present an entirely different set of policy considerations and development complexities. There should be flexibility in the timetable to allow for additional consultation, as the requirement to identify all land areas into the proposed categories may be highly complex in certain areas.
19. From the information provided it is unclear the extent plans can set the detailed parameters and site specific requirements for managing developments in these areas. Local authorities should retain the flexibility to set development management policies locally where there are issues that are not adequately addressed by national policy.
20. It is unclear how the new sustainable development test would be different to requirements under the existing soundness tests, or the level of evidence that might be required to satisfy the new test.
21. There should be detailed guidance on how competing suggestions and proposals for an area's categorisation should be considered through the plan-making process to ensure local authorities can meet the proposed timetable.

Design and sustainability

22. The new system would place clear expectations on local authorities to produce design guidance and codes locally with community involvement and introduce a 'fast-track for beauty' system for planning proposals that conform with approved design codes and masterplans.
23. The paper proposes to amend the National Planning Policy Framework to ensure that it plays an effective role in mitigating and adapting to climate change and maximising environmental benefits.
24. The paper includes a national commitment for all new streets to be tree-lined, for all new homes to be 'zero carbon ready' (with the ability to become fully zero carbon homes) from 2025, and for all new developments to provide net gains for biodiversity.

Implications for Kingston's communities:

25. Proposals to improve outcomes on design and the enhancement of the natural and historic environment are significantly weakened by the designation of the borough into one of three categories which cannot adequately reflect Kingstons rich and diverse local character and distinctive architecture. Maintenance of policy compliant masterplans and design codes would require review and update and specific requirements on building materials and detailing may not be adequately captured.
26. The fast-tracking of schemes compliant with local design codes and expecting the Council to deliver a masterplan and site-specific code for every Growth and/ or Renewal areas would likely require significant additional resource and skills development to accommodate the proposed changes, the cost of which would need to be met by the Council. Without additional funding and resources to local authorities, preparing local design codes will not be achievable.
27. The paper's commitment to reducing carbon emissions and achieving net gains for biodiversity from all developments is weakened by the proposed removal of the requirement for a Sustainability Appraisal of Local Plans and it's substitution for a simplified process for assessing the environmental impact of plans would in reality weaken the effectiveness of the process.

A new standard method for determining housing requirements

28. The paper proposes a new standard method that distributes the Government's target to build 300,000 new homes per annum across local authorities in England. The method takes into account local affordability and factors in land constraints and opportunities for densification. Local authorities would continue to be responsible for allocating land and deciding how to meet the requirement through their Local Plans.
29. The paper proposes to remove the requirement to demonstrate a deliverable five year housing land supply however, the Housing Delivery Test (HDT) would continue to be used to manage the supply of land for housing.

Implications for Kingston's communities:

30. The Standard Method results in a new housing requirement figure for the Royal Borough of Kingston upon Thames of 1,527 new homes per year under this proposed methodology compared to the intend to publish London Plan housing target of 964 new homes per year. The removal of the cap on weighting given to the affordability index (proposed for the Local Housing Need method) could lead to significantly higher and unrealistic housing requirements for the borough.
31. There is also considerable concern the nationally derived housing requirement would not take adequate consideration of an area's capacity to support sustainable growth or take into account other land-use priorities. Housing targets should account for existing land use constraints such as Green Belt, Metropolitan Open Land and other designations such as Conservation Areas that contribute to local character and place.

32. The increase in housing targets required under the proposed new standard method would significantly limit the Council's ability to adequately safeguard the character of the borough and could diminish the distinct personality of each of the boroughs four neighbourhoods.
33. It is unclear how relevant planning and environmental constraints would be taken into consideration by the proposed method in practice. A 'binding' requirement placed on authorities without adequate consideration of capacity from suitable sites might also add to the pressures to increase development densities in unsustainable locations (i.e. sites without adequate access to local services or good public transport links).
34. The HDT is not an accurate mechanism for gauging the effectiveness of the planning process. At present in Kingston planning permission has been granted for over 2,900 homes that have not been completed. The Government should note that local planning authorities do not have the control to direct how land is assembled by developers or associated market factors that affect build out of permissions in their local area. There should be significantly more onus placed on developers to implement the planning permission once it has been granted.
35. The Government should also ensure there is further funding to secure much needed infrastructure to help unlock sites and deliver more affordable housing in Kingston.

Changes to the development management process

36. The paper proposes a streamlined approval process, where planning permissions would only be required if there are outstanding matters to resolve or where a proposal does not comply with Local Plan requirements for the area.
37. Where development meets relevant requirements in the Local Plan, proposals in Growth areas would automatically have outline approval for the principle of the development. Pre-established types of development in Renewal areas would also gain automatic approvals or be fast tracked (and supported by a presumption in favour of development). For Protected areas, local authorities would assess all proposals against relevant policies in place.

Implications for Kingston's communities:

38. There is concern the proposed zonal approach for Growth and Renewal areas would substantially reduce the opportunities for meaningful consultations with the borough's local communities at the application stage, and moreover, significantly curtail Planning Officers' ability to react to changing external factors (e.g. economic conditions, changes in architectural styles, environmental standards, etc).
39. There is also concern the proposal would limit elected members' involvement in complex development proposals once the Local Plan has identified the areas for Growth and Renewal. Moving community engagement to a one-stop, front loaded approach would create a democratic deficit in the planning process. Moreover, given the tight time frame for the production of a new style Local Plan it is difficult to

envisage how meaningful “front loaded” community engagement could be achieved in any event.

40. The lack of detail available makes it unclear what the reformed reserved matter process would entail. There is a very real concern that the level of the detail required at the reserved matters stage would be substantially diminished under the paper’s proposal.

Changes to the development contribution systems

41. The paper proposes to abolish the current systems for securing development contributions, including Section 106 agreements and Community Infrastructure Levy and introduce a new infrastructure levy (based on a proportion of the development value above a threshold with nationally-set rates).
42. The new infrastructure levy would cover change-of-use developments through permitted development rights, and offer more flexibility to authorities over how they can spend money collected from the Levy.
43. The paper also proposes to allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area

Implications for Kingston’s communities:

44. The lack of detail regarding changes to Community Infrastructure Levy and associated mechanisms for securing developer contributions for provision of infrastructure makes it difficult to predict the implications.
45. It is unclear how new affordable housing would be secured and delivered under the new Levy. The Government should retain s106 agreements (in some form) to allow local authorities to secure mitigation that might not be possible to condition through the granting of planning permission.
46. Local authority finances are already challenged and will become increasingly so as a result of the Covid-19 pandemic. Expecting local authorities to borrow to front load infrastructure without any certainty that a development would ultimately be delivered would place additional pressure on local authority finance and transfer development risk from the developer.

Other matters:

47. The Government’s consultation on the White Paper concludes on 29 October 2020. Subject to the outcome of the consultation, the Government will seek to bring forward primary and secondary legislation to implement the reform.
48. The Government would implement any policy changes, including the standard method for housing, by updating the National Planning Policy Framework in line with the new legislation.
49. The White Paper expects the new Local Plans to be in place by the end of the Parliament (scheduled to be May 2024). Given that the new plans would take 30 months to prepare, new legislation would likely be in force by November 2021.

50. Members should also note that alongside the consultation on the White Paper, the Government is also consulting on ['Changes to the Current Planning System' \(August 2020\)](#), which puts forward several shorter-term policy changes and measures to improve the effectiveness of the current system, including on:
- Changes to the standard method for assessing Local Housing Need;
 - Securing First Homes through developer contributions;
 - Lifting of the small site's threshold for affordable housing; and
 - Extending the current Permission in Principle to major development

Proposal and Options:

51. The Council is not obliged to respond to the Government's consultation.
52. Given the fundamental premise on which the proposals of the White Paper are based, proposals which will have significant and far reaching impacts for the borough of Kingston, the Council will be reviewing the potential implications for the production of the Local Plan.

Timescale:

53. Once approved by members, the detailed responses as set out in Annex A would be submitted to the Government on 29 October 2020.

Financial Context:

54. The council is operating in an increasingly challenging financial environment. Kingston faced a number of financial challenges in the medium to longer term - even before the COVID-19 outbreak, which has further added to these challenges. The economic and financial consequences of the pandemic, growing demand for services, and limited government grant funding make it difficult to find adequate funds to meet the borough's needs.
55. The future of local government finance faces a significant level of uncertainty. The impact of the Fair Funding Review and a future review of business rates is currently unknown, and the lasting effects of COVID-19 on our residents, local businesses and the Council itself remain uncertain.
56. Despite these challenges the council has a drive and commitment to ensure it is doing the best for residents and communities

Resource Implications:

57. To support the implementation of the proposed reform, additional resources will likely be required to modernise the software used for planning applications and the Local Plan process, to produce area specific design codes, and to provide relevant professional training to officers.
58. Given the new legislation is expected to be in force by November 2021, additional resources will likely be required from FY2022/23.

Equalities Assessment:

59. For each part of the consultation, the Government is seeking views on the potential impact of the White Paper's proposals on the Public Sector Equality Duty.
60. The Council will carry out Equality Impact Assessments prior to implementing future planning policies at the local level in accordance with the relevant legislation.

Background papers:

[Planning for the Future White Paper \(August 2020\)](#)

Author of report:

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