

Proposed Reforms to the Planning System Briefing September 2020



The government has published two important consultation documents proposing fundamental change to the planning system

- the White Paper 'Planning for the Future'
- a technical document on 'Changes to the Planning System'



Why is the government proposing changes?

- the country needs to boost growth and development especially housing delivery
- it believes the current system is past its sell by date and needs fundamental reform to enable appropriate development
- plan making is too slow and too complex.
- there is too much opportunity for challenge and delay
- the system is unnecessarily expensive and challenging
- current requirements for obtaining planning consent are too onerous and allow for too much intervention and delay
- change is needed to ensure higher quality development – more ‘beautiful’ buildings which people will be happy to live alongside

Planning for the Future



The White Paper proposes major changes to the way in which Local Plans are made and what they contain

- there will still be a ‘plan led’ system in which the local planning authority will make a long term set of judgements which must be followed ...
-but the way in which the plan is made, and the way in which land is allocated for development will change radically...
-and once a plan is in force, there will be very different rules and regulations before development can take place

Plan making

- Local plans won't need to be “sound” or “deliverable” any more but will need to pass a new statutory test - that they allow for “sustainable development.” This replaces all the other current tests.
- 10 year time horizon
- start to finish in 30 months - ‘digital first’ approach
- housing target set by Whitehall
- development management policies largely a generic set of national requirements with very few set locally
- emphasis on master planning and design codes being drawn up simultaneously with site allocations to save time and resources
- no ‘duty to cooperate’ with other councils

Plan format

- introduce a 'zoning' type approach as used in many other countries
- **growth areas** – substantial development such as a new town, MDA or large brownfield site
- **renewal areas** – existing built up areas where smaller development is allowed.
- **protected areas** – more stringent controls.
- extensive use of design codes and briefs to shape the detail
- vague on the role of formal neighbourhood plans but village design statements and similar could become more important

Growth Areas

- sites within growth areas in a local plan would 'automatically' have outline planning permission for the prescribed uses within set parameters of height, density set out in a design codes and brief
- to obtain full permission a reserved matters application in compliance with design code, a Local Development Order (linked to a masterplan and design codes) or potentially a development consent order (NSIP)
- not vastly different to current approach except that design code/master planning simultaneous with allocation

Renewal Areas and Protected Areas

- **Renewal areas**
- consent can be granted through permission in principle, a full planning application, or a Local / Neighbourhood Development Order (*i.e. same as now*). All bolstered by statutory presumption in favour of permission for specified uses which meet the design code and other prior approval requirements.
- **Protected areas**
- a full planning application required (*i.e. same as now*). Doesn't mean no development is permitted

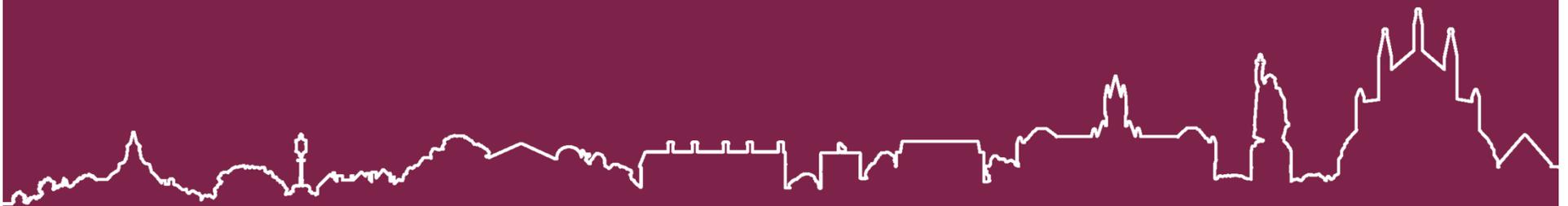
Infrastructure

- current system of s106s and CIL replaced by a new nationally set infrastructure levy
- based on development value
- thresholds/local variation to ensure developments of marginal viability are not ruled out
- designed to be transparent and more market responsive
- payment at point of occupation not commencement. Local authorities permitted to borrow against future receipts to forward fund infrastructure
- more flexibility on spend including affordable housing
- parish share will remain

Development management

- proposals clearly designed to reduce number and type of decisions taken locally
- national development management policies to save time and duplication
- government wants more flexibility and re-purposing without bureaucratic intervention
- conformity with design code or development management policies could allow decision making by AI
- focus on design and quality rather than compliance with myriad of rules and technicalities
- unclear what enforcement and compliance would look like in new regime

Changes to the Current Planning System

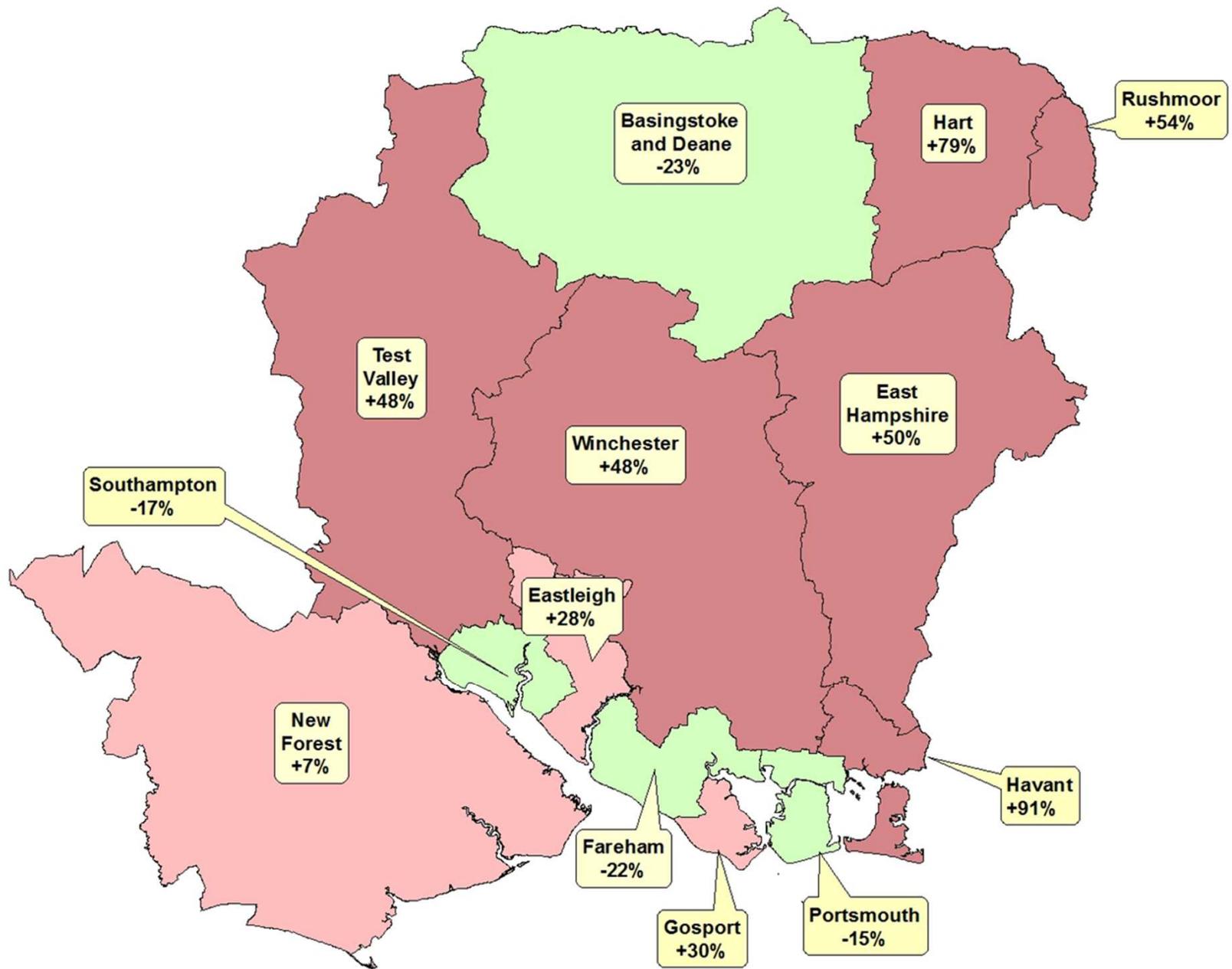


Changing the current system

- to boost the supply of new homes the government proposes changes to the standard methodology including greater emphasis on affordability.
- a significantly higher housing requirement for Winchester and many others local authorities
- priority in affordable housing for discounted market sales called First Homes.
- increase threshold for affordable housing from 10 units to 40 or 50 to supports small builders and as a response to Covid impacts.
- extend 'permissions in principle' to include major development with a broader mix/quantum of non-residential uses – despite little interest from developers

Planning Authority	Current Standard Method	Proposed Current Method	Difference	%
Basingstoke and Deane	884	684	-200	-23
East Hampshire	623	932	309	50
Eastleigh	694	885	191	28
Fareham	514	403	-111	-22
Gosport	238	309	71	30
Hart	286	512	226	79
Havant	504	963	459	91
New Forest	729	782	53	7
Portsmouth	855	730	-125	-15
Rushmoor	260	401	141	54
Southampton	1002	832	-170	-17
Test Valley	550	813	263	48
Winchester	692	1025	333	48
Hampshire	7831	9271	1440	18





Impact on Winchester

- all local planning authorities now faced with difficult choices over timetable for plan making
- an annual housing requirement in excess of 1000 homes instead of less than 700.
- if the requirement is fixed, the development strategy for the new local plan will have to be fundamentally different – significantly more development land needed
- changes can be brought in by government immediately
- affordable housing delivery will reduce if threshold is increased from 10 units to 40 or 50 temporarily.
- focus on First Homes will impact on affordable housing mix.
- wider use of PIPs could have an impact on DM (very short determination period of 5 weeks) and may cause policy issues if mix/quantum of non-residential uses within schemes is allowed to expand

Timetables and current uncertainties

- what decision making and legislative path way will the government follow?
- will it stick with the proposals if there is widespread criticism?
- will the increased housing requirement be implemented and if so when?
- when will we have enough certainty to produce meaningful and purposeful options and to start on a new plan?
- how do we engage with communities about such radical changes to process and outcome?
- what is the relevance of PfSH type arrangements under the new system?

Questions

