



Report to Cabinet

Date:	13 October 2020
Title:	Response to Government's recent consultation: "Planning for the Future" – 6th August 2020
Relevant councillor(s):	All
Author and/or contact officer:	Andy MacDougall / Mike Shires
Ward(s) affected:	All
Recommendations:	The Council's draft response to the Government consultation is set out in Appendix A. The recommendation is to agree the draft response, with delegated responsibility for submission of the final response, incorporating any further changes after the Cabinet meeting, to the Corporate Director PGS in consultation with the Cabinet Member for Planning and Enforcement.

1. Executive summary

- 1.1 This report sets out an intended response from the Council to the Government's recent consultation paper entitled, "Planning for the Future". The report acknowledges the need, highlighted in the White Paper, for reform of the planning system. However the White Paper is a missed opportunity which seeks to centralise and standardise decision making to the detriment of local involvement and accountability for shaping high quality places for both current and future generations
- 1.2 Appendix 1 to this report sets out the proposed response to the questions posed as part of the Government's consultation. This has been formulated by a White Paper Working Group, formed of officers, who have in turn sought input and views from relevant departments across the new Council.

2. Content of report

- 2.1 On the 6th August 2020, the Government published the White Paper: “Planning for the Future”, concerning longer term changes to the planning system. The purpose of this report is to explain the background and set out the intended response from the Council.
- 2.2 The White Paper identifies several problems with the current planning system that it intends to address including: that it is too complex; planning decisions are discretionary rather than rules-based; that it takes too long to adopt a Local Plan; it is based on 20th-century technology; not enough focus on design; and not enough homes are being built.
- 2.3 The appendix attached to this report responds to the 26 questions set out in the white paper. In addition, because there are a number of areas of planning which are not covered by the White Paper, the Council considers it necessary to provide a written narrative to ensure that the government are made aware of the complexities of the planning system and a comprehensive approach is essential rather than concentrating on just a few headline areas.

3. The Council’s response

- ***Reducing local democratic accountability***

- 3.1 Overall, the Council’s proposed response to the consultation characterises the White Paper as a missed opportunity. There can be little argument that the current planning system is in need of modernisation and improvement. It can be cumbersome, overly bureaucratic and slow. However in response to these challenges, the proposals in the White Paper seek to over-centralise and standardise decision making at the expense of local accountability and democracy.
- 3.2 There are many areas of the White Paper that should be commended; a simplification of the Local Plan system and the removal of the much aligned Duty to Cooperate are two such proposals that the Council would support. In addition, references to placing high quality design at the centre of a reformed planning system alongside the renewed emphasis of the value of neighbourhood plans are also to be welcomed.

- ***Reducing engagement in Local Plans***

- 3.3 However, in many areas the proposals are contradictory and counter-productive. For example, by simplifying and ‘streamlining’ Local Planning processes and introducing the zoning of Growth, Renewal and Protection areas, the Government will shift consideration of the principle of developments into a condensed Local Plan process which for many people will not be accessible and it will only become clear what has been permitted later on in the process when unfortunately their involvement will be too late.

- ***Imposing inflated housing targets***

- 3.4 Additionally, the imposition of nationally set housing targets are of great concern. This concern is exacerbated by the recent consultation from the government on a revised methodology for housing targets. The Council has responded to that consultation,

expressing grave concerns about how the Government's methodology is derived, again raising significant issues of reducing local democratic accountability in the planning process.

- ***Affordable housing must be properly funded***

3.5 The proposed response highlights the importance of affordable housing; it is our view that just building more homes will not deliver affordability. Instead Government must support Local Planning Authorities and their housing partners in determining local need, and provide the necessary funding support. The White Paper's suggestion that local authorities might borrow in order to forward fund affordable housing is considered to be an ill-considered solution; tax payers would effectively be subsidising loans to developers and landowners.

- ***Developers should fund the full cost of development***

3.6 The response recommends opposing the delay in payment of and infrastructure levy as set out in the White paper, upfront payment is essential if the infrastructure to support development is to be in place prior to occupations. The Council expects developers to fund the full cost of development, and fund the infrastructure up front. Ideally that could be achieved by a process of land value capture, but Local Authorities cannot be expected to cash flow schemes until certain thresholds are met. In the absence of private sector funding then the Council would expect Government to cashflow schemes. The risk cannot be with LAs.

- ***Greater penalties for planning enforcement***

3.7 Finally, the Council's response welcomes the Government's intent to improve the planning enforcement system. The Council considers that whilst the powers currently exist to take action against planning breaches, in its experience these are not a sufficient deterrent to those who flout the rules due to lengthy court proceedings (in part due to the low priority afforded to planning matters) and the punishments that are subsequently handed out. The Council would welcome changes to the fines imposed by the courts such that they are proportionate. By reason a breach of planning control is not a criminal offence, the Council's experience is that certain developers are willing to take risks and are not deterred by the consequences of the enforcement action that can be taken against them. The Council would welcome steps which strengthen the requirement for developers to comply with the conditions imposed on planning permissions, whether this is through a system of fining for failure to discharge and/or comply with conditions.

4. Other options considered

4.1 This report is to set out the intended response from the Council to the Government's consultation. It would of course be possible to not provide a response to the consultation, but that is not recommended.

5. Legal and financial implications

5.1 This report itself has no direct legal and financial implications. Obviously there are such implications arising from the Government's proposed changes to the planning system, but they are not direct changes arising from this report.

6. Corporate implications

- 6.1 This report itself has no direct corporate implications. Obviously there are such implications arising from the Government's proposed changes to the planning system, but they are not direct changes arising from this report.

7. Next steps and review

- 7.1 Amendments to report will be made if requested. The deadline to respond to the Government's consultation is 29th October 2020.

8. Background papers

- 8.1 The Government's consultation can be found here:
<https://www.gov.uk/government/consultations/planning-for-the-future>

