

AM 572-20

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 15 OCTOBER 2020

WHITE PAPER: PLANNING FOR THE FUTURE

Report by: Steve Avery, Executive Director

Summary

On 6 August 2020 the Government launched its Planning White Paper and ‘Planning for the Future’ consultation which in its own words *“proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed”*.

The White Paper is wide ranging and proposes a *“a whole new planning system for England”*. An initial briefing paper was presented to the Resources, Audit and Performance Committee (RAPC) on 7 September 2020 following which a member workshop was convened on 16 September 2020. The White Paper has also been discussed at the recent round of parish council quadrant meetings.

This report sets out an overview of the White Paper and a summary of the discussions held to date and invites Members to provide a strategic steer to inform the Authority’s formal response, to be agreed in consultation with the Chairman. The consultation closes just before midnight on 29 October 2020.

1. Overview of the Planning White Paper

- 1.1 The Prime Minister’s foreword to the White Paper promises *“radical reform unlike anything we have seen since the Second World War”* to replace what is seen as an *“outdated and ineffective planning system”* with *“one that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades”*. The full consultation document can be viewed on the GOV.UK website via this [link](#).
- 1.2 The proposals in the White Paper have five keys strands:
 - **Streamlining the planning process** “with more democracy taking place more effectively at the plan making stage”
 - **Taking a radical, digital-first approach** “to modernise the planning process, moving from a process based on documents to a process driven by data”
 - **Bringing a new focus on design and sustainability**
 - **Improving infrastructure delivery** and ensuring developers play their part, through reform of developer contributions
 - **Ensuring more land is available** “for homes and development that people and communities need”

1.3 The consultation then sets out a series of questions under three ‘pillars’:

- 1) **Planning for development** – focussing on local plans and decision-making
- 2) **Planning for beautiful and sustainable places** – focussing on design, environmental impacts and climate change
- 3) **Planning for infrastructure and connected places** – focussing on the infrastructure levy

1.4 There are 24 separate proposals set out in the consultation. The following are a list of some (but not all) of the main proposals:

- Simplifying Local Plans with a focus on identifying land under three categories:
 - **Growth areas** – automatic consent in the form of outline permission for the types of development specified in the Plan
 - **Renewal areas** - existing built areas for smaller scale development e.g. infill, small sites in villages, “gentle densification” – statutory presumption in favour of development.
 - **Protected areas** – where development is restricted (which it is assumed would include National Parks, although this is not explicitly stated) – planning permission as now but assessed against NPPF policy.
- Local Plans would set clear rules rather than general policies, with a more focused role in identifying site and area-specific requirements, alongside locally-produced design codes. They should be significantly shorter (Government expecting a “*reduction in size of at least two thirds*”). More general development management policies would be set out nationally.
- Introducing a single statutory “sustainable development” test replacing the existing Local Plan tests of soundness and abolishing the ‘Duty to Cooperate’.
- Authorities “*should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities*” as they consult on Local Plans, using digital consultation methods.
- Local Plans should be “*visual and map-based, standardised, using digital technology and a new standard template*”. They would be subject to a statutory (and enforceable) 30 month timetable for production, with a single 6-week period of public consultation taking place at the same time as the draft Plan is submitted for independent Examination.
- There would be a new nationally binding housing requirement set that would take into account affordability and planning constraints – including for the first time in National Parks. This would be based on the least affordable places receiving most of the target, taking account of environmental constraints.
- The planning system would be digitised and standardised to make things “*quicker and easier*”, including new standard planning conditions.
- Develop a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms.

- Decision-making should be faster and more certain. Planning fees would be refunded if deadlines are not met or where an appeal is successful.
- Enforcement powers and sanctions would be strengthened (no details as yet).
- Each planning authority to appoint a chief officer responsible for design and place making.
- The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.
- The Community Infrastructure Levy and the current system of planning obligations (including Section 106 agreements) are proposed to be reformed into a single nationally set, value-based flat rate charge (the 'Infrastructure Levy').
- Introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.
- A simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species (there will be a separate consultation on this in the autumn).

2. Response from the other National Park Authorities

2.1 National Parks England (NPE) are preparing a joint response on behalf of all the English National Parks and the Broads Authority which we are helping to coordinate through the Heads of Planning Group. The Heads of Planning Group met on 11 September 2020 to discuss the White Paper and the main outcomes of that meeting can be summarised as follows:

- The NPE response should be expressed positively, evidencing what works well at the moment in National Parks and what could work better in the future.
- Need much more clarity on the role and status of National Parks - the Planning White Paper is silent on National Parks and we need to question this. It is assumed that National Parks would be 'protected areas' but this should be stated explicitly.
- The two statutory National Park purposes and associated duty must be reflected in calculating housing requirements.
- Critically important to retain paragraph 172 of the NPPF in any new legislation / national guidance (*"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks...which have the highest status of protection in relation to these issues"*).
- Planning reforms must be closely linked to the 25 Year Environment Plan and the Environment and Agricultural Bills.
- Exempting National Parks from further permitted development rights – a key recommendation of the Glover Review.
- Prioritising and supporting affordable housing provision in National Parks rather than catering for external housing demands (as currently expressed in the National Parks Circular 2010).

- Question how a digitally enabled planning system might work in remote rural areas that do not have sufficient broadband coverage / speeds.
- Need to consider the impact of new development beyond and close to National Park boundaries.

2.2 Most National Park Authorities will be supplementing the NPE response with their own response, focusing on those matters that are of particular interest/relevant to each Authority.

3.0 Agreeing the Authority's response

3.1 Further to the report to the RAPC meeting on 7 September 2020, a members' workshop was convened on 16 September 2020 to discuss the proposals and to give a strategic steer to officers in formulating the Authority's response. The main points coming out of the workshop can be summarised as follows:

General Observations

- Recognise that we need to be positive and constructive where we can but we should be prepared to say what is fundamentally wrong with the White Paper, need to point out the downsides of some of the proposals.
- Government expects respondents to come up with workable alternatives, markedly different approach to previous Government consultations.
- Planning reforms appear to be paving the way for wider devolution / local government reorganisation.
- Lack of any evidence to support some of the recommendations being made, e.g. abolition of Duty to Cooperate.
- Viability assessment a massive issue and needs simplifying, often cited as a reason by developers to justify lower levels of affordable housing.
- Proposals for delivering affordable housing through a consolidated infrastructure levy are unclear and confused.
- Support for stronger enforcement provisions; higher fines would be welcomed, exempt National Parks from current immunity provisions?

Zoning – Protect / Growth / Renewal :

- Feeling that the whole of the National Park should be designated/zoned as 'Protect' in line with the statutory Park purposes and existing national policy set out in paragraph 172 and footnote 6 of the NPPF.
- Members do not want the National Park sub-divided, or the zoning of areas as 'renewal' or 'growth', as this could open them up to extended permitted development rights and weaken their status.
- Within the National Park-wide designation of 'Protect', the planning system should enable appropriate, small-scale proposals to come forward to meet local needs (in accordance with our socio-economic duty). Members felt that within the overall 'Protect' designation, the planning system should enable more nuanced sub-categories to allow appropriate sustainable development to come forward.

Local Plan timetable:

- We should recognise that local plans take far too long to produce but point out that the existing process includes a significant period of time set aside for the

examination and following Inspector's report (14 months in our case for our adopted Local Plan).

- The proposals in the White Paper place a greater emphasis on the Plan-making process. If sites allocated for development in 'growth areas' are to have automatic permission in principle, it means much more work will be required at the Plan-making stage to ensure deliverability etc. This will lengthen the process, at the same time as the White Paper is proposing a statutory 30 month limit for Plan-production.

The imposition of binding housing requirements on local authorities:

- It is difficult to see how a national, centralised system of generating binding housing requirements on local authorities will have the information available to fully assess the constraints and opportunities for growth in a local area. The proposed approach is likely to increase development pressures in and around National Parks – especially in areas like the New Forest where affordability is an issue.
- National Park Authorities should instead be able to plan for small-scale development to meet identified local needs arising from within their local communities without the need to: (a) meet a nationally-generated binding annual housing requirements; or (b) designate 'renewal' or 'growth' areas.

Judging proposals against NPPF policy in National Parks:

- Concern that NPPF policies will not be sufficiently nuanced and detailed for this to work in practice, given the range of local planning issues to be addressed in policy across the 10 National Parks in England.
- It is queried why this is considered necessary. National Parks are covered by up to date development plans and perform well against the Government's indicators on planning applications. There was a feeling we should push back on this proposal and provide evidence showing that our planning function performs well, supported by locally-specific policies.
- Concern that this would further 'centralise' the determination of planning applications, removing important local discretionary considerations from the planning process.

Proposals for public consultation:

- A concern that the move towards digital, map based Locals Plans will be problematic in rural areas (due to broadband coverage); and will also mean that large parts of the community will not be able to engage. On a positive note, the move to more visual map-based Plans provides an opportunity for habitat connectivity and nature recovery to be more embedded in Local Plans.
- The proposed consultation on the draft Local Plan (taking place simultaneously with submission for examination) will be too late in the process for local communities to be able to influence the content. Providing local communities, Parish Councils and other consultees with a single 6-week period to make representations on the draft Local Plan undervalues the contribution they make.

Abolition of the 'duty to cooperate':

- This is considered to be a retrograde step and not supported by any evidence to justify its abolition. Although not perfect, the existing 'duty to cooperate' is legally tested at Examination and in the New Forest has helped to facilitate joint work on

strategic development sites (e.g. the former Fawley Power Station); the distribution of required housing (see separate paper on the Partnership for South Hampshire's Statement of Common Ground); and cross-boundary habitat mitigation measures (e.g. the Bird Aware Solent scheme).

- Local Plans must have regard to 'wider-than-local' matters and the duty to cooperate also played an important role in supporting the Section 62 'duty of regard' towards the two National Park purposes.

Design:

- Welcome the stronger emphasis on design quality.
- Concern that the production of Design Codes will result in the building of identikit houses. Rather than reinforcing local vernacular and local distinctiveness, it risks replacing it with uniform development typologies.
- Design Codes are considered a blunt instrument that would stifle innovation. This objective of supporting innovation and reinforcing local distinctiveness is almost the opposite of the White Paper's proposed codification.
- The history of lead bodies on design has been rather fraught, with the Royal Fine Art Commission being replaced by CABI and then by the Design Council.

Environmental Assessment:

- Welcome the commitment for a reformed planning system to play an effective role in mitigating and adapting to climate change and maximizing environmental benefits but unclear how this will be achieved.
- Concern about the impact of a simplified environmental assessment process and what this would mean for the New Forest National Park, which has a higher proportion of its land covered by international nature conservation designations than any other planning area in England.
- Habitats Regulation Assessments (HRAs) – which ensure adverse impacts on the integrity of internationally protected sites from new development do not occur – are not referenced within the White Paper. Planning reforms should retain the legal precautionary principle in protecting the New Forest's most important habitats.

Consolidating existing routes to permission

- Concern that further permitted development rights will seriously undermine the protections afforded to National Parks, facilitating more development in protected landscapes over which local communities will have no say.

Introduction of a National Infrastructure Levy

- The Authority does not currently operate CIL and the proposed abolition of Section 106 agreements would be a concern. These agreements currently enable on-site measures to be secured and other mitigation measures that cannot be secured through an infrastructure levy (e.g. the Bird Aware Solent mitigation contributions).

3.2 Many of the issues listed above have also been raised at the recent south-east and north-east quadrant meetings, with the two remaining quadrant meetings due to be held before the Authority meeting. Parish Councils are particularly concerned about what the reforms might mean for their involvement in the planning process. As an Authority, we place considerable importance on the views of parish councils which

determine when a planning application is reported to the Planning Committee and Members will wish to consider whether this should feature in our response.

- 3.3 Subject to Members' further comments and discussions at the Authority meeting, it is proposed that officers draft a detailed response based on the considerations and points listed in 3.1 above. We can then circulate the draft response for further comment following the Authority meeting, with the final response to be agreed in consultation with the Chairman.

4. Additional planning reforms

- 4.1 Members will be aware that the Government also published a concurrent consultation on 6 August 2020 setting out proposed '[Changes to the Current Planning System](#)' and that consultation closed on 1 October 2020. This outlined a number of shorter-term measures designed to improve the immediate effectiveness of the current planning system, including:

- changes to the existing standard method for calculating housing need to feed into Local Plans to help meet the Government's aim of delivering over 300,000 new dwellings per annum. The proposed methodology would result in an increase in the identified housing need in New Forest District, Test Valley Borough and Wiltshire.
- temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing. The Government is proposing to increase the threshold above which affordable housing will be required to 40 or 50 units. This will potentially have a significant impact on affordable housing delivery in areas surrounding the National Park. It is proposed that designated rural areas – including National Parks – will be exempt from this change.

- 4.2 This consultation followed a series of extended permitted development rights and reform of the use classes order introduced earlier in 2020.

- 4.3 A copy of NPE's response is attached as appendix 1 for Members' information.

5. RECOMMENDATION

Having considered the comments arising from the recent Members' Workshop as listed in 3.1 above and subject to any additional Member comments, authority be delegated to the Executive Director to prepare the Authority's detailed written response to the White Paper in consultation with the Chairman of the Authority.

Papers:

White Paper: Planning for the Future

<https://www.gov.uk/government/consultations/planning-for-the-future>

Changes to the Current Planning System

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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Equality Impact Assessment:

There are no equality or diversity implications arising directly from this report.