

To: Cabinet
Date: 14 October 2020
Report of: Head of Planning Services
Title of Report: Oxford City Council's response to the White Paper Planning for the Future White Paper August 2020

Summary and recommendations	
Purpose of report:	Cabinet is requested to note the response on the White Paper Planning for the Future to be submitted to MHCLG
Key decision:	No
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning
Corporate Priority:	A Vibrant and Sustainable Economy; Meeting Housing Needs; Strong and Active Communities; A Clean and Green Oxford.
Policy Framework:	Council Strategy 2020-24
Recommendation(s): That Cabinet resolves to:	
1. note the response on the White Paper to be submitted to MHCLG.	

Appendices	
Appendix 1	Officer response to the White Paper
Appendix 2	Risk Assessment

Introduction and background

1. The Government is seeking views on a package of proposals for the reform of the planning system in England to “streamline and modernise the planning process, improve outcome on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed”. These proposals are set out in the White Paper “Planning for the Future”, published on 6th August and open for consultation for 12 weeks until the 29th October. The intention is that the White Paper will be followed by legislative changes and then a renewed National Planning Policy Framework (NPPF) that reflects these proposals.

2. The officer's response to the proposals is set out in Appendix 1. The proposals in the White Paper are set out under three pillars. Each pillar has several proposals and then specific questions relating to these proposals. It is intended to send the response as a document by email, rather than using the online comment form. In some parts of the response the questions have not been used as a guide because they were narrow in focus and did not allow a full response to all the issues raised.
3. Pillar One is planning for development; Pillar Two is planning for sustainable places; Pillar Three is planning for infrastructure and connected places. The response is structured in the same way, also subdivided to respond to the proposals made under the pillars, or the questions posed, depending on which fitted best with the comments that needed to be made.

Summary of the content of the three pillars of the White Paper

4. **Pillar One – Planning for development** includes proposals to simplify the role of local plans, including by establishing development management policies at national level. The proposed approach in the White Paper considers that a new style local plan should be more concise and focused principally on identifying areas for 'growth', 'renewal' or 'protection.' The plan should be fundamentally map-based (with suggestions throughout this section of the White Paper about what will be required in terms of presenting plans digitally), providing broad zoning areas generally setting the principles for what development would be acceptable. In the case of 'growth' areas this then allows outline permission. Other proposals in this section include that a 'sustainable development' test will replace the tests of soundness and legal tests; that a standard method, will be used to nationally calculate binding housing requirement numbers for planning authorities, reduced where necessary also at a national level by application of constraints; and that neighbourhood planning will be retained.
5. **Pillar Two– Planning for beautiful and sustainable places** includes proposals to build on the National Design Guide to create more specific design standards. There will be an expectation that design guidance and codes will be prepared locally with community input either to support local plans, as part of neighbourhood plans or by developers. Where plans identify growth areas it will be required that a masterplan and site-specific code are agreed as a condition of the permission in principle which is to be granted through the local plan process. Proposals around stewardship and enhancement of the environment are to be worked up in more detail, but they make some currently not fully formed suggestions about matters that are already carried out more thoroughly than would be achieved by the suggested approach, such as protection of the historic environment (there is no mention of balancing benefits and harm), Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Environmental Impact Assessment (EIA) (which are all to be removed, with no concrete proposals for their replacement).
6. **Pillar Three – Planning for infrastructure and connected places** sets out proposals relating to the funding of infrastructure. It is proposed that CIL and S106 planning obligations are replaced with a new infrastructure levy, set by the Government and charged as a fixed proportion of the development value above a set threshold. It is acknowledged there is likely to be a need for some variation across the country, although it is not suggested how finely grained this variation may be. There are two possible funding mechanisms put forward for affordable housing. Either it would be secured as in-kind payment towards the Infrastructure

Fund or there would be a right to purchase at discounted rates for local authorities. It is proposed that councils would borrow against future payments to them of this levy in order to forward fund infrastructure. The levy is to be collected on occupation.

Response to the White Paper

7. The response states that in most areas of the White Paper the proposed reforms cannot be supported. Greater caution needs to be exercised to avoid unintended negative effects through an over-zealous wish to make radical changes.
8. Appendix 1 sets out the proposed detailed response. There are some key cross-cutting themes behind the White Paper and the introduction to the response provides a commentary giving a view on these.
9. The greatest concerns with the implications of the proposals in the White Paper are:
 - That planning policies are to be set nationally and therefore may be watered down and will not reflect local circumstances (for example parking policies, carbon efficiency, flood risk);
 - That the zonal approach to local plans will not be able to ensure the right mix of uses in the right locations is delivered;
 - That there are serious implications for delivery of affordable housing and infrastructure which will have impacts upon homelessness across the city;
 - That the housing requirement will be binding and set nationally, with constraints calculated nationally. There are no proposals for accounting for economic growth needs or ambitions or affordable housing need (only affordability), and the ideas for replacement of the duty to cooperate system to distribute unmet need are unclear;
 - That there is not enough thought about how the changes will be resourced. This applies to local planning authorities who will have many design codes to produce in a short space of time and also to MHCLG, which will have to generate housing requirements including by applying constraints in local authority areas, as well as producing a policy framework adequate for all policy decisions;
 - That there will not be 'more democracy' as stated, but significantly less. Proposals are less likely to require planning permission, as if they have permission in principle they will not go to committee. The short timescales and proposed timings for engagement during the preparation of local plans give few opportunities to meaningfully engage. The short timescales for determining applications effectively rule out committee decisions.

Financial implications

10. The response to the White Paper itself has no financial implications. There are minor resource implications of the further rounds of comment that are likely to be necessary, for example on a revised NPPF.
11. The implementation of the White Paper would have financial implications on the planning service, for example as there would be reduced planning application fees but instead developers would be expected to help fund their sites through the Local Plan process. Planning fees amount to approximately £1,000,000 a year currently as a ring-fenced fee income that helps fund the service. This would certainly reduce

under the proposals, but by how much and whether developers funding sites through the local plan process could replicate this is currently unknown, but this risk will need to be monitored as more information becomes known.

12. The transition to a new system will also have financial implications. The amount of upfront information needed to enable growth areas to be allocated and effectively have permission in principal, such as design codes, is likely to have financial implications. However, at this point there are not enough details in the White Paper to fully work through these implications.
13. The removal of CIL and S106 financial contributions and replacement with a centrally set Infrastructure Levy is likely to have financial implications and implications on the delivery of affordable housing, as the levy would have to be set at a level that is widely viable, meaning the full value of development in Oxford is unlikely to be achieved. The single, nationally set fund that will also fund affordable housing will inevitably lead to a reduction in the amount of affordable housing delivered and the amount of social rented housing delivered. This result in further demands on services, for example through increased homelessness.
14. The White Paper puts forward the idea that this Infrastructure fund could potentially be used to fund wider services or council tax reductions, but other than necessary administration of the fund the response suggests that this infrastructure fund should be used on necessary infrastructure to support new developments.

Legal issues

15. There are no legal implications of the response to the White Paper itself. The implementation of the proposals as set out would have potential legal implications. As the public will have less opportunity to have their say, and as it becomes a more regulatory system, it is likely they will revert to the courts more often

Level of risk

16. Please refer to the Risk Register Appendix 2.

Equalities impact

17. An equalities impact assessment is not required. The report is a response to a Government consultation, so has no direct implications.

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Background Papers: None