



SCRUTINY COMMISSION – 14 SEPTEMBER 2020

PLANNING FOR THE FUTURE WHITE PAPER (AUGUST 2020)

MINUTE EXTRACT

The Commission considered a report of the Chief Executive concerning the Government consultation on the Planning for the Future White Paper and the proposed draft response that had been prepared by officers which would be considered by the Cabinet at its meeting on Friday, 18th September. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Commission welcomed to the meeting the Leader, Mr N. J. Rushton CC, Deputy Leader and Lead Member for Planning, Mr B. L. Pain CC, and the Lead Member for Highways and Transportation and Strategic Planning, Mr T. J. Pendleton CC.

The Commission was advised that the Government had issued a separate consultation paper regarding proposals to improve the current planning system including the method for assessing local housing need which appeared to significantly increase housing numbers for the County. Members noted that this was a technical consultation affecting the current system and had not therefore been covered as part of the report now presented.

The Assistant Chief Executive confirmed that officers would, in line with usual practice, respond to this technical consultation and would raise robust concerns about the substantial increase in housing numbers proposed to be built in the County, as well as question the underlying evidence to support this. Members were invited to submit comments for consideration by officers for inclusion in the response but were asked to provide these by no later than Wednesday, 23rd September given the short timetable for submitting a response to government.

With regard to the Planning for the Future White Paper the Commission was advised that the aim of the changes proposed was to simplify the current planning process and increase the number of houses built. Members acknowledged the need for reform and noted the Government's view that the current system was overly complex and delayed development.

In response to a question regarding existing Local Plans, members were advised that those agreed more recently would be likely to remain in force for about two years before local councils were asked to renew these. Those with plans agreed some time ago are expected to be asked to prepare new plans in line with the timetable set out in the White Paper.

Members welcomed the general proposal for a quicker and clearer planning process as this would provide certainty for residents. However, in considering the draft response to the White Paper consultation, outlined in the Appendix to the report, Members raised a number of concerns and asked the Cabinet to have regard to the following points when considering its response:

- (a) There was a general lack of detail in some key areas of the White Paper which made it difficult to understand the true impact of some of the changes proposed. This affected the ability for local authorities to respond in full and it was suggested that this be highlighted as a general issue as part of the Council's response.
- (b) The White Paper was overly focussed on the shortcomings of the current planning system but was silent on the failure of developers to always build on land when granted planning permission. To ensure housing was delivered in practice, this needed to be addressed under any new system as its was currently a matter outside the control of local planning authorities;
- (c) The proposal that Local Plans would in future allocate land for 'Growth' and that applications to build on such land would then automatically be awarded outline planning permission was of particular concern as this would:
 - i) place significant pressure on the process of developing local plans and therefore require a greater degree of robustness in that process;
 - ii) require developers to be clear and transparent on their development proposals early on to ensure there was sufficient clarity for impact assessments to be carried out and appropriate mitigations such as highway improvements identified. The White Paper was currently vague about what would be expected from developers during this part of the process which could negatively impact a Council's ability to undertake its role as the Highway Authority. If the onus was not put on the developers to provide the information necessary at this earlier stage, the process would not be meaningful and add to uncertainty;
 - iii) risk members of the public feeling disenfranchised from the planning process. Members warned that experience showed that the public generally failed to engage in the local plan process which was seen as too generic and strategic. However, they became actively involved when specific applications were received and the impact of a proposal on their neighbourhood known in detail. The new approach would cut out the ability for the public to be involved in the process at that later stage;
 - iv) mean that evidence and supporting statements carried out during the local plan process become out of date by the time specific permissions were sought and which could detrimentally affect the Council as infrastructure provider and local residents.
 - v) add expense to the local plan development process which was already expensive both in terms of time and money. This would particularly impact district councils.

In respect of the points raised in (ii) above, Members requested that the Director of Environment and Transport be asked to identify the implications of the Department having to engage early in the process and for these to be captured in the response more firmly.

- (d) The opportunity for authorities to borrow against future receipts to support the delivery of infrastructure was welcomed, but greater understanding of how that system would work in practice was needed. It was unclear if proposals to introduce a national infrastructure levy would ensure that local councils received the right level of resources required for each development, and such funding would be vital if local councils were to be encouraged to borrow against this. Whilst the merits of a standardised and clear system were noted, there was concern that the new arrangements would not provide the flexibility currently offered through section 106 agreements. The Commission made comparisons with the current CIL system which it was felt disadvantaged the County Council when compared with section 106 agreements.
- (e) The focus on increasing the number of houses built would not necessarily address the current housing crisis and the White Paper did not pay sufficient regard to the issue of homelessness and affordable and social housing. Developers as private businesses would not by themselves focus on less profitable areas such as social housing. The response to question 24 (a) of the consultation needed to be firmer on this point.
- (f) The White Paper needed to be more robust in ensuring any new planning system addressed the growing crisis of climate change and to ensure that new developments were environmentally sustainable. In addition, given the move to greater homeworking all new developments should have superfast broadband. Failure to capture such issues would be a missed opportunity to drive future change in these areas.
- (g) Air Quality and the health impacts of emissions were a major concern and the White paper did not address this issue in any significant way.
- (h) The use of the term 'beauty' would likely be contentious and lead to disagreement and appeals. The term was too vague and subjective and would not be helpful in ensuring clarity in the system. There needed to be greater focus on quality and sustainability.
- (i) The current arrangement for dealing with appeals was often seen as being weighted in favour of developers and whilst it was acknowledged that accountability rested with the Secretary of State, some argued that the process diluted local democratic accountability. It was suggested that the current appeal process needed to be more reactive and timely, particularly when dealing with enforcement matters, and that these issues should be addressed centrally as part of the new proposals. It was highlighted that the zonal allocations in the Local Plan would likely reduce the number of appeals in any event.

- (j) Consideration should be given to requiring developers of commercial sites which generated increased HGV traffic on specific routes to make an appropriate contribution to mitigate future costs arising from the impact of such vehicles on the existing local road network.
- (k) A member requested that reference to 'the golden triangle' as an example on page 22 of the draft response be removed.
- (l) The White Paper should encourage developers to ensure that local companies and tradesmen are given priority much in the same way as local councils are asked to have regard to social value in contracts.
- (m) The removal of a duty to co-operate was disappointing and it was unclear how a zonal system could be introduced and operate effectively without this.

Members of the Cabinet present thanked the Commission for its comments on the White Paper and gave an assurance that these would be taken into consideration when discussing the response to the White Paper.

RESOLVED:

That the comments now made be submitted to the Cabinet for consideration.