

11 February 2020

Delivering a local, plan-led system

Purpose of report

For direction

Summary

This paper summarises the key elements of the recent government commitments and announcements on planning, as well as commitments outstanding from the previous government and proposals for a forthcoming Planning White Paper. It also seeks members steer on priority work areas for the LGA moving forward.

Recommendation

That members consider and provide comment on the proposed future LGA activity set out in paragraph 9 of the report.

Action

Officers to take forward any member comments for future policy work.

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Background

1. This paper summarises the key elements of the recent government commitments and announcements on planning, as well as commitments outstanding from the previous government and proposals for a forthcoming Planning White Paper. It also seeks members steer on priority work areas for the LGA moving forward.

Planning policy and the forthcoming Planning White Paper

2. The Board has had some lobbying success on planning policy over the last year. For instance the Government removed section 106 pooling restrictions for all councils, removed permitted development rights for the installation of telephone kiosks, committed to review quality standards of homes delivered through permitted development rights and confirmed that the Accelerated Planning Green (now White) Paper would invite proposals to pilot new approaches to meeting the costs of planning services.
3. This has been achieved through advancing discussions with government Ministers and priority issues. Recent work has included updated research on the scale of permitted development, and on the funding, skills and capacity challenges of planning departments.
4. However, there are likely to be a range of further planning reforms to take forward the Government's manifesto commitments, priorities set out in the Queen's Speech and the commitment to publish a Planning White Paper, on which the Board may want to further advance the sector's case for a robust local, plan-led system with the powers and resources to deliver for local communities.
5. It is likely that a number of the Government's proposals will be included in the Planning White Paper which is due to be published for consultation this year and/or announced in the Budget on 11 March. The White Paper may also pick up on some of the measures and reforms promised as part of the 2019 Spring Statement. In addition, there a number of planning related proposals in the recently published independent report of the Building Better Building Beautiful commission which may be taken forward.
6. Proposed planning reforms based on recent announcements and the Government's previous commitments could include:
 - 6.1. 'First Homes' – to provide homes for local people and key workers at a discount of at least 30 per cent. These will be funded through developer contributions and will be discounted in perpetuity.

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- 6.2. Making the planning system simpler for the public and small builders, and support modern methods of construction.
 - 6.3. Changes to planning rules so that the infrastructure – roads, schools, GP surgeries – come before people move into new homes. The Queen’s Speech confirmed a £10 billion investment into a new “Single Housing Infrastructure Fund”.
 - 6.4. Protecting and enhancing the Green Belt. Improving poor quality land, increasing biodiversity and making the countryside more accessible for local community use.
 - 6.5. Changes to address resourcing and performance in planning departments.
 - 6.6. A new National Model Design Code building on the national design guide published in 2019.
 - 6.7. Additional planning guidance on housing diversification to support a diverse range of housing needs, and help them build out more quickly.
 - 6.8. Further reforms to the compulsory purchase order regime.
 - 6.9. Permitted development rights for upward extensions.
 - 6.10. The full range of policy proposals in the Building Better, Building Beautiful report can be found [here](#).
7. As previously directed by the Board, the LGA is undertaking a range of activity focusing on ensuring homes with planning permission are built out, on resourcing of planning departments, on permitted development, as well as looking at how councils and developers (including housing associations) can work positively together to build homes and prosperous places.
 8. We also continue to raise concerns on behalf of the sector in relation to unintended consequences of other policies that impact councils’ ability to deliver the right types of high-quality homes in the right places. This includes: the use of viability assessments which impact on the delivery of affordable housing and infrastructure that communities need to back development; the new standardised methodology for determining local housing need and presumption in favour of sustainable development sanctions.
 9. **The Board’s views and agreement are now sought on the proposal that:**
 - 9.1. The LGA continue its discussions with councils and the Government to influence the range of different policy proposals in advance of the Planning White Paper and the

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upcoming Budget, and in a way that makes the case for a robust local, plan-led system that is sufficiently and sustainably resourced.

9.2. The LGA build the case for proposals that strengthen the status of the Local Plan, reducing the risk of speculative planning applications and planning appeals, as well as maximising developer contributions towards affordable housing and other infrastructure. This could include reforms that:

9.2.1. Further simplify and streamline the process of getting a Local Plan in place and provide additional capacity support for councils developing and updating their Plans.

9.2.2. Provide a stronger 'presumption of favour' for emerging Local Plans and those going through the examination process.

9.2.3. Improve the current approach to identifying a five-year supply of land, to better reflect the long-term benefits that a balanced portfolio of sites (including larger strategic sites) can bring in place making and building communities.

9.2.4. Remove the use of the presumption in favour of sustainable development in cases where councils are unable to demonstrate a 5-year land supply and/or where councils do not meet the requirements of the recently introduced Housing Delivery Test.

9.2.5. Reverse the burden of proof relating to 'deliverability' of sites back from councils to developers.

9.2.6. Further amend the viability system - for example, removing the requirement to factor in an agreed developer or landowner return or removing viability as a material planning consideration entirely.

9.3. The LGA make the case for councils to be empowered to take action with new powers and tools to ensure the build out of sites with existing planning permission, and sites allocated in Local Plans. This could include:

9.3.1. Stronger powers to direct the diversification of products within sites (including tenure, type, size, design and density.)

9.3.2. Financial penalties to incentivise build out rates, for example charging council tax charges on the basis of proposed build out rather than actual.

9.3.3. Streamlined compulsory purchase powers to enable councils to acquire stalled sites.

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9.4. The LGA continue to call for councils to be able to set planning fees locally in order to achieve full cost recovery.

Next steps

10. To be taken forward as directed.