

07 July 2020

## **Planning reform**

### **Purpose of report**

For discussion.

### **Summary**

Simon Gallagher, Director of Planning at the Ministry of Housing, Communities and Local Government has been invited to attend the EEHT Board to provide an update on the Ministry's work relating to the operation of the planning system both during the COVID-19 pandemic and looking to the future.

This report provides a brief update on the Government's recent and proposed reforms to the planning system. It also sets out the LGA's main asks in relation to planning and members may want to pick these up in their discussion with Simon.

### **Recommendation**

The item is for update and comment.

### **Action**

As directed by Members.

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## Planning reform

### Background

1. There is continued national interest in the effectiveness of the current planning system in England and '[Planning for the Future](#)' published in March 2020 set out the government's plans for housing and planning following the announcements in the 2020 Budget. This included the intention to publish a Planning White Paper in the Spring with proposed measures to speed up the end to end development management process including: planning fees reform; options to increase build out rates; expanding the use of zoning tools to simplify the process of granting planning permissions and improving the use of Compulsory Purchase Orders.
2. Whilst COVID-19 has inevitably delayed the publication of the White Paper, it is still expected to come forward, although the timescales are currently unclear and it is likely that any measures will have an increased focus on economic recovery.
3. Since the onset of the COVID-19 pandemic the government has introduced a number of temporary measures to enable the planning system to continue to operate effectively throughout the various phases of the lockdown. This includes flexibility on publicity requirements for planning applications and the ability to run virtual planning committees.
4. The recently published [Business and Planning Bill](#) will introduce further measures including: a new process for developers to request changes to construction hours; flexibility for the Planning Inspectorate to use more than one type of procedure for planning appeals and an extension of planning permissions which have expired since the beginning of lockdown or are due to expire before the end of the year. Our briefing on the Bill can be found [here](#).
5. The government has also recently laid secondary [regulations](#) for a new permitted development right allowing work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. These regulations also add to the conditions of prior approval for permitted development rights allowing change of use to houses, that a local planning authority must also consider the provision of adequate natural light to all habitable rooms.
6. On the 20 June, the Prime Minister announced a series of significant planning reforms to come into effect by September including: more types of commercial premises having flexibility to be repurposed through reform of the Use Classes Order; permitted development rights for a wider range of commercial buildings to be allowed to change to residential use; removal of the need for a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are to be built

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as homes; a fast track approval process to allow property owners to build additional space above their properties.

7. It was also announced that the government will launch a planning Policy Paper in July which will set out a plan for comprehensive reform of the planning system. Whilst there was limited detail on this in the announcement, there have been a number of recent media reports suggesting that a package of more radical planning reforms might include a move to zonal planning, such as the one proposed in the Planning Exchange [report](#). It has also been reported that there could be a new fast-track planning system for developers of high quality, well-designed buildings as recommended in the [report](#) by the Building Better, Building Beautiful commission and that democratic involvement in the planning process could be brought forward to the plan-making stage or removed completely.
8. We have reiterated in our [response](#) to the announcements that planning powers must remain at a local level, to enable councils to deliver resilient, prosperous places that meet the needs of their communities.
9. The Secretary of State for the Ministry, Robert Jenrick MP, has also recently reaffirmed his view that there needs to be ambitious reform to the planning system. In Policy Exchange's recent [publication](#) of essays on planning reform he states that *'it's time to re-think planning from first principles'* and that *'the time has come to speed up and simplify this country's overly bureaucratic planning process.'*
10. The LGA's policy position on the planning system is as follows:
  - 10.1. A local plan-led system is the best way to deliver sustainable homes and places that meet the needs of people in different circumstances and at different stages in their lives – as well as ensuring that they are well supported by the necessary services and infrastructure. Councils continue to approve 9 in 10 planning applications, with the number of planning permissions granted for new homes almost doubling since 2012/13.
  - 10.2. In recent years the LGA has called for a range of measures that would improve the operation of the planning system, whilst retaining a democratically accountable plan-led approach. These have included
    - 10.2.1. The process of getting a local plan in place should be further simplified and streamlined and the Planning Inspectorate should expedite the examination of local plans through a more flexible, light-touch approach
    - 10.2.2. Councils need to be able to set planning fees locally in order to achieve full cost recovery

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- 10.2.3. The current approach to identifying a five-year supply of land needs to be improved, to better reflect the long-term benefits of a balanced portfolio of future sites
- 10.2.4. The presumption in favour of sustainable development in cases where councils are unable to demonstrate a 5-year land supply and/or do not meet the Housing Delivery Test requirements should be removed
- 10.2.5. There needs to be further reform to the viability system – this could include removing the requirement to factor in an agreed developer or landowner return or removing viability as a material planning
- 10.2.6. Councils need stronger powers to direct the diversification of products within sites and financial penalties to incentivise build out rates, as well as streamlined powers to enable councils to acquire stalled sites
- 10.2.7. National permitted development rights enabling change of use into homes without the need for planning permission need to be revoked
- 10.2.8. Councils need to maintain the levers to deliver the right mix of homes – to rent and buy – in a way that addresses need identified locally as part of the planning process
- 10.2.9. Assessments of local housing need should be determined locally based on the most relevant up to date information, so that they can properly take into account complex and changing local housing markets
- 10.2.10. ational exemptions from s106 affordable housing contributions and exemptions from the Community Infrastructure Levy should be removed

N

### **Implications for Wales**

- 11. This work only covers England

### **Financial Implications**

- 12. None

### **Next steps**

- 13. The LGA will continue to press the government on funding and powers to support a continued local plan-led system that retains democratic oversight.

### **Financial Implications**

None