



MELTON PARISH COUNCIL

PLA(20)39

BRIEFING NOTE ON THE GOVERNMENT'S PROPOSED PLANNING REFORMS

During August 2020 the Government issued a series of planning consultations. These are entirely separate from the detailed changes to planning rules in terms of permitted development rights and use class changes which have come into force from the beginning of this month.

The first consultation – [Changes to the current planning system](#) – is technical in nature. Despite the title it relates to:

- The methodology for assessing housing need
- Securing first homes via developer contributions
- Temporarily lifting the small sites threshold
- Extending the current permission in principle to major development.

The deadline for consultation responses is 1 October.

The third consultation – [Transparency and competition: a call for evidence on data on land control](#) is a call for evidence on data on land control and is largely technical and legal in focus. Although information on registered land (covering most of the country) is held by HM Land Registry, not all interests in registered land are required to be recorded. This consultation is around whether rights of pre-emption, options and conditional contracts should be registered.

The deadline for consultation on this is 30 October.

The second consultation – [Planning for the future](#) - is the main one which will affect how planning in the future is carried out and how where homes are built will be decided. The consultation on this runs until 29 October. The Changes proposed by the White Paper will require primary legislation and are unlikely to come into force until 2024.

Planning for the future

It is the proposals in this consultation which, if implemented as proposed, will have the greatest impact on the future of planning in England. [Planning is a devolved function and the systems are different in the other nations of the UK.]

In the future it is proposed that planning authorities will produce simplified Local Plans, at least 2/3rds shorter than at present, which will identify land under 3 categories:

- Growth areas suitable for substantial development, where outline approval for development would be automatically secured for the form and type of development specified in the Plan. This will include new settlements and urban extensions.
- Renewal areas suitable for some development, such as “gentle densification” and this category also includes small sites in and on the edge of villages and sites in rural areas not allocated either for growth or protection. There would be a presumption in favour of development for the uses specified as being suitable for each area.
- Protected areas where development is restricted. This would include Statutory Green Belt, AONBs, and areas of open countryside outside of land in Growth or Renewal areas.

As well as in introducing the concept of “zoning”, the proposals envisage a new emphasis on engagement with communities at the plan-making stage. It will be at this stage that Planning authority Members, local councils and members of the public will need to engage with the planners. Effectively the role of elected Members on planning committees will change – more involvement in the Local Plan making and less involvement in the actual development proposals as they occur. This will be the same for local councils and residents, where engagement will need to be in the plan-making rather than in relation to schemes that come forward. Effectively permission in principle will be applied to all land within the designated growth and renewal areas for the uses prescribed. Local plans should be subject to a single statutory “sustainable development” test and set out just a core set of standards and requirements for developments. Development management policies will be set nationally, and local plans shall no longer contain detailed locally specific policies nor require what the consultation paper refers to as “unnecessary assessments”.

Consultation will be via a “more democratic” system that does not rely on “notices attached to lamp posts” but rather “people will be able to use their smartphones to give their views on Plans and design codes as they are developed”.

It can be argued that the reduced role for planning committees will harm local democracy and accountability. There will also be a disincentive for councils to refuse permission even when they have the discretion to do so, as where applications are refused and then allowed on appeal, the applicant’s planning fees will have to be refunded.

Under the new system housing numbers to be delivered will be prescribed nationally and allocated to local authorities. This process will have regard to the size of existing urban settlements and their capacity to absorb growth, relative affordability and any

land constraints (e.g. green belt designation). In terms of affordability it is proposed that the least affordable places take more development, to try to correct historic imbalances in affordability. That means, it has been calculated, that the east of England will need to take about a 50% increase in housebuilding over that already planned. This strategy will mean a lot more development across the greater south east and has sparked a revolt by Conservative backbenchers anxious no doubt about future election chances.

In terms of neighbourhood planning, there is a brief commitment to retain this feature, which became part of the system in 2011. However it is likely to become more focused on design and more cosmetic aspects, as planning lawyers have already commented that under the new system it's unlikely that neighbourhoods will be able to allocate land for development. How the allocation of land for development in Melton will be made really depends on the final shape of the legislation and the strategy adopted by East Suffolk Council as and when the new system becomes law in terms of consultation and engagement.

In relation to the Community Infrastructure Levy, the proposal is to rename it "Infrastructure Levy" and retain the neighbourhood share of up to 25%.

The forewords to the document from both the Prime Minister and Secretary of State, and also the introduction, all emphasise what is termed the "broken" nature of the planning system and the need to introduce radical reform.

What the document does not state or acknowledge is that:

- There are over 1 million unimplemented planning consents
- Planners approve about 90% of applications
- There are far wider constraints to housebuilding than the planning system:
 - Availability of mortgages (developers will only build what can be sold)
 - Constraints of both labour and sometimes materials
 - The wider economic situation
 - Infrastructure to support development beyond the immediate development site
 - Funding available for affordable / social housing.

In terms of affordable housing, it is envisaged that this will be delivered via funds secured under the new Infrastructure Levy, or by the developer building a new product "First Homes" which are sold directly at a discount which in turn will be offset against the cash liability to the Levy. This is aimed to boost the level of owner occupation but will inevitably impact on the supply of affordable / social housing units. Indeed the threshold for affordable homes' contributions could rise from 10 to 40 or 50 homes under the proposals.

Next steps

These proposals are, the paper admits, only a first draft that will need a lot of refinement before being set out in a Planning Bill.

Assuming that the proposals go into statute without modification, the implications for Melton will take a long time to work through; the new system is not likely to come into force until 2024.

Factors affecting are likely to be:

- The share of the annual national housing target (currently 300,000 homes) that East Suffolk Council has to deliver. As indicated above the share is likely to be disproportionately higher in high value areas (in a vain attempt to increase affordability)
- Where on the detailed digital maps that East Suffolk will have to produce they propose to accommodate the requirement.

Consultation will only be a window around the new local plan which following legislative approval, will have to be produced within 30 months. It will be then that the implications for Melton will emerge and be the only real opportunity for the Council and community to be heard. It will be difficult to energise people to get involved around zoning proposals on a screen, but that will be the only significant opportunity to comment on the future shape of the community, as of course if the proposals go through into law in their present shape, there will not democratic involvement in actual planning proposals.

It seems to me that unless Melton Parish Council wants to comment to Government on the current vague proposals, the time that it will intensively need to engage both with the community and District Council, is when the new framework is finalised and East Suffolk is producing its local plan. That is likely to be around 2021/22.

William Grosvenor

Clerk and Executive Officer to the Council

17 September 2020