

# CABINET

THURSDAY, 22 OCTOBER 2020

## REPORT OF THE PORTFOLIO HOLDER FOR REGULATORY & COMMUNITY SAFETY

### TAMWORTH BOROUGH COUNCIL RESPONSE TO WHITE PAPER: PLANNING FOR THE FUTURE

#### EXEMPT INFORMATION

None.

#### PURPOSE

To seek Cabinet approval to submit the draft consultation response to the Government consultation on Planning white paper: planning for the future as the response of Tamworth Borough Council and acknowledge that the White Paper creates uncertainty in setting out the timescale for the delivery of a new local plan. To further seek a Cabinet resolution to submit evidence to the Housing, Communities and Local Government Committee inquiry with responsibility for the final wording to be delegated to the Assistant Director – Growth and Regeneration.

#### RECOMMENDATIONS

It is recommended that Cabinet:

1. Approve the submission of the consultation response set out in Appendix A as the response of Tamworth Borough Council
2. Acknowledge that the proposals within the White Paper will delay the delivery of a new local plan and also the preparation of a Local Development Scheme which sets out the timetable.
3. Resolve to submit evidence to the Housing, Communities and Local Government Committee inquiry and delegate responsibility for the wording of that response to the Assistant Director – Growth and Regeneration

#### EXECUTIVE SUMMARY

The White Paper: Planning for the Future was published by Government on 06 August and seeks views on a wide range of reforms to the planning system covering five main areas.

- Streamlining the system
- Modernising through a digital first approach
- Focussing on design and sustainability
- Improving infrastructure delivery
- Making sure land is available for development

Officers have drafted responses to the 26 questions posed in the consultation document in consultation with members and those responses are included in Appendix A. Approval is sought to submit the responses set out in Appendix A as the response of Tamworth Borough Council to the consultation. The consultation closes on 29 October 2020.

At the Cabinet meeting on 19 March 2020 members considered the Local Plan Review document and approved the commencement of work to produce a new local plan. A further report was to be brought to Cabinet setting out a timeframe for the development of the new plan. Work on this has been ongoing, however the white paper includes proposals for large scale changes to the local plan making process which, if implemented, would significantly alter the way in which local plans are produced. It is considered that starting the development of a new local plan in the current circumstances would not be appropriate when the process and form the plan is required to take may change substantially in the near future.

On 08 October the Housing, Communities and Local Government Committee launched a new inquiry to investigate the Government proposals to reform the planning system as set out in the white paper. As part of the inquiry the Committee is inviting the submission of views on a number of issues by 30 October. It is considered important to submit a response to the call for evidence to ensure that the Council's views are fully considered by the inquiry, however it has not been possible for a full response to be drafted in time for consideration by Cabinet prior to the Cabinet report submission deadline. Therefore a framework for the response to the eight questions posed is included at Appendix B and it is recommended that Cabinet delegate responsibility for drafting and submitting a full response to the Assistant Director – Growth and Regeneration.

## **OPTIONS CONSIDERED**

The alternative options in relation to the consultation are to not respond at all or to provide a different response to that proposed in Appendix A. Whilst Tamworth's response is likely to be only one of many received by Government, not responding to the consultation would mean the Council's views are not taken into account and so this option was not considered appropriate. The proposed response set out in Appendix A is considered to be the most appropriate response and has been drawn up by officers in consultation with members.

A similar consideration applies to the response to the Housing, Communities and Local Government Committee inquiry. The alternative option would be to not respond, which would mean the Council's views are not taken into account. There is also not sufficient time for a full response to be considered by Cabinet prior to the Cabinet report submission deadline. It is therefore considered that the most appropriate option is for Cabinet to approve the framework for a response and delegate responsibility for the final wording to the Assistant Director – Growth and Regeneration.

The alternative option considered in relation to the delivery of the local plan is to continue with the current approach of developing a new local plan under the existing Government policy and guidance. The consultation proposes wide ranging and significant changes to the planning system including to the local plan process. As no significant progress has been made on a new local plan for Tamworth at this stage, it would be unlikely to meet the criteria for any transitional arrangements were the

proposals in the white paper to be brought forward. To progress the new plan in the current circumstances is not considered appropriate when there is a significant risk that the associated work and expense would be rendered redundant by the proposed changes to the planning system. It is therefore considered that the most appropriate course of action is to pause production of a new plan until there is some indication from Government on whether the proposed changes will be implemented.

## **RESOURCE IMPLICATIONS**

There are no resource implications directly as a result of responding to either the Government consultation or the Housing, Communities and Local Government Committee inquiry call for evidence. There are likely to be resource implications at a later date if Government decide to take forward any or all of the proposed changes set out in the white paper consultation and these will need to be considered at a later date once more details are known.

The current budget for local plan production for 2020/21 is £115k with a committed spend of £10,655 at the end of September 2020. The budget for financial year 2021/22 onwards is currently £10k and there is a retained fund of £147,624 as a result of previous underspend. It is not anticipated that there will be any additional resource requirements at this time as a result of delaying production of a new local plan. It is considered that any underspend from 2020/21 should be retained to support relevant plan making activities.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

There are no legal or risk implications associated with responding to the either the Government consultation or the Housing, Communities and Local Government Committee inquiry call for evidence. Not responding to the consultation risks not having the Council's views considered as part of the consultation process.

The current local plan was adopted in 2016 and is now nearly five years old. There is therefore a risk that elements of the plan may be considered 'out of date' in the near future and any delay in developing a new plan could extend this issue in the longer term. However, as the average time for producing a new plan is four to seven years it is considered that this risk will not be significantly increased by the delay caused by waiting for the outcome of the white paper consultation. There is a risk that continuing with the current approach could lead to a significant amount of abortive work and associated cost if the Council is required to abandon the current approach further down the line. On balance it is therefore considered that the limited risk is acceptable when considered against the other possible implications.

## **EQUALITIES IMPLICATIONS**

No equalities impacts have been identified as a result of the proposals set out in this report.

## **SUSTAINABILITY IMPLICATIONS**

There are no direct sustainability implications resulting from the proposals set out in this report. Any new local plan would be required to be in accordance with the policies contained within the National Planning Policy Framework which has sustainability at its core. Any new plan would also be accompanied by a sustainability appraisal that would consider the potential sustainability implications at an appropriate stage.

## **BACKGROUND INFORMATION**

Whilst it acknowledges the importance of planning in tackling important national challenges, the current Government is of the view that the existing planning system is out of date and does not produce the outcomes that it should. With this in mind, the Government has published the White Paper: Planning for the Future which sets out proposals for a wide range of changes to the current planning system covering five main areas.

### **Streamlining the system by:**

- Simplifying the role of Local Plans
- Setting clear rules for development
- Re-inventing the ambition, depth and breadth of community engagement
- Subjecting plans to a single statutory “sustainable development” test
- Making sure plans are visual and map-based
- Requiring plans to take no longer than 30 months to produce
- Making decision making faster and more certain
- Strengthening enforcement powers
- Developing a comprehensive resources and skills strategy for the planning sector

### **Modernising the system through a digital first approach by:**

- Supporting councils to use digital tools for engagement, plan making and decision taking
- Insisting plans are built on standardised, digitally consumable rules and data
- Standardising and making digitally available critical datasets
- Working with tech companies and councils to modernise the software used
- Engaging with the PropTech sector

### **Focussing on design and sustainability by:**

- Ensuring the system supports efforts to combat climate change
- Facilitating ambitions improvement in energy efficiency standards
- Expecting new development to be ‘beautiful’ with a greater focus on ‘placemaking’
- Introducing a ‘fast-track for beauty’
- Introducing a quicker, simpler framework for assessing environmental impacts and enhancement opportunities
- Introducing design guidance and codes to set rules for the design of new development
- Establishing a new body to support the delivery of design codes
- Ensuring councils have a chief officer for design and placemaking
- Updating Homes England’s strategic objectives to give greater emphasis to delivering beautiful places
- Protecting historic buildings and areas

### **Improving infrastructure delivery by:**

- Reforming the Community Infrastructure Levy and planning obligations into one nationally set, flat-rate charge
- Being more ambitious for affordable housing provision
- Giving councils more flexibility on how developer contributions are used

- Including changes of use through permitted development rights in the new infrastructure levy regime

**Ensuring more land is available for development by:**

- Introducing a new nationally-determined, binding housing requirement that councils would have to deliver through their local plans
- Speeding up construction where development has been permitted
- Providing better information to local communities
- Promoting competition amongst developers
- Assisting SMEs and new entrants to the sector
- Making sure publicly-owned land and public investment supports thriving places

Government is currently consulting on these proposed changes until 29 October and have posed a series of questions for interested parties to respond to. Officers of the council, in consultation with members, have drawn up a draft response to the 26 questions and those responses are included in Appendix A.

At the Cabinet meeting on 19 March 2020 members considered the Local Plan Review document and approved the commencement of work to produce a new local plan. The report stated that a further report was to be brought to Cabinet setting out a timeframe for the development of the new plan, although no specific timescale for this was given at the time. Work on this has been ongoing, however the white paper includes proposals for large scale changes to the local plan making process which, if implemented, would significantly alter the way in which local plans are produced.

It is unclear at this time which of the proposals set out in the white paper will be implemented and when this might occur given that many will require changes to both primary and secondary legislation. It is therefore considered appropriate to delay the development of a timeline for the production of a new plan until there is some indication from Government as to which of the proposals will be taken forward and what the timeframe for their implementation may be. The reasons for this are covered under Options Considered above. However, this approach does not mean that all plan making activities will cease as there are elements, such as evidence collection, that would be relevant to a new local plan under both the existing and proposed approach.

On 08 October the Housing, Communities and Local Government Committee launched a new inquiry to investigate the Government proposals to reform the planning system as set out in the white paper. The inquiry will examine how well the proposed reforms would support the Government's wider building strategy, including its target to build 300,000 new homes a year, as well as ensuring high quality construction that is fit for purpose. It will also examine how well the new proposals protect existing buildings or localities, and provide mechanisms for local engagement in the planning system.

As part of the inquiry the Committee is inviting the submission of views on the following issues by 30 October:

1. Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?
2. In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?

3. How can the planning system ensure that buildings are beautiful and fit for purpose?
4. What approach should be used to determine the housing need and requirement of a local authority?
5. What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?
6. How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?
7. What changes, if any, are needed to the green belt?
8. What progress has been made since the Committee's 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?

It is considered important to submit a response to the call for evidence to ensure that the Council's views are fully considered by the inquiry. However, as the inquiry was only launched on 08 October, it has not been possible for a full response to be drafted in time for consideration by Cabinet prior to the submission deadline. Therefore a framework for the response to the eight questions posed is included at Appendix B and it is recommended that Cabinet delegate responsibility for drafting and submitting a full response to the Assistant Director – Growth and Regeneration.

### **REPORT AUTHOR**

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### **LIST OF BACKGROUND PAPERS**

White paper: Planning for the future – available at:

<https://www.gov.uk/government/consultations/planning-for-the-future>

Report of the Portfolio Holder for Regulatory and Community Safety – 19 March 2020  
Cabinet – Local Plan Review

### **APPENDICES**

Appendix A – Draft response to Planning White Paper: Planning for the Future Consultation

Appendix B – Framework for responding to the Housing, Communities and Local Government Committee inquiry into proposed planning reforms