

Report to:	EXECUTIVE CABINET
Date:	25 November 2020
Executive Member:	Cllr Gerald Cooney Executive Member (Housing, Planning and Employment)
Reporting Officer:	Jeff Upton – Interim Assistant Director, Planning and Transport
Subject:	PLANNING WHITE PAPER CONSULTATION RESPONSE
Report Summary:	<p>The Government’s consultation on the White Paper: “<i>Planning for the Future</i>” seeks views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. It covers plan-making, development management, developer contributions, and other related policy proposals. Through a series of focussed questions, it provides the opportunity for comments to be provided by 29 October 2020 and the proposed responses from the Council are set out in the attached Appendix 1.</p> <p>A link to the White Paper, including the proposals which are being commented on, can be found here</p>
Recommendations:	To receive a copy of a consultation to the Government’s Planning White Paper consultation set out at Appendix 1 approved by the Executive Member and submitted on 29 October 2020 to meet the statutory consultation deadline.
Corporate Plan:	To ensure that we are able to deliver corporate plan in the event of any legal landscape.
Policy Implications:	This matter is at consultation stage only.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	This is the Council’s response to the Government’s Planning White paper and there are no financial implications arising directly from this decision.
Legal Implications: (Authorised by the Borough Solicitor)	The Government proposals, if implemented, will result in some significant legal and policy changes to the planning system and the opportunity for the Council to comment on the emerging proposals is welcome. Members are likely to be interested in the proposed changes and in accordance with the Constitution the Cabinet should be briefed on the White Paper and the Council’s response to it. Scrutiny will be needed on the detail as it evolves and the implications for the Borough and Greater Manchester as they become clearer.
Risk Management:	Not to submit a response to the Government’s consultation which we do not believe would serve our residents’ interests.
Background Information:	The background papers relating to this report can be inspected by contacting the report author, Jeff Upton Interim Assistant Director Planning and Transport by: Telephone: 0161 342 3346/ E-mail: jeff.upton@tameside.gov.uk

APPENDIX 1

Responses to Consultation Questions

The White Paper contains a wide range of proposals that, if enacted through new primary and secondary legislation, would present a significant change from the current system of plan making and development management decision process. The questions contained in the White Paper consultation are set out below with the Council's proposed response to each:

1. What three words do you associate most with the planning system in England?

No proposed answer. (In general, this question is aimed at users of the planning system).

2a. Do you get involved with planning decisions in your local area?

No proposed answer. (In general, this question is aimed at users of the planning system).

2b. If no, why not?

No proposed answer. (In general, this question is aimed at users of the planning system).

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

No proposed answer. (In general, this question is aimed at users of the planning system).

4. What are your top three priorities for planning in your local area?

No proposed answer. (In general, this question is aimed at users of the planning system).

5. Do you agree that Local Plans should be simplified in line with our proposals?

Not sure. There does seem some merit in rationalising the categories of land to simplify the planned process. Having automatic outline planning permission in "growth areas" would provide certainty in establishing the principle of development in those areas for investors and developers. This would also apply, but to a lesser extent, for "renewal areas" where the presumption in favour of development would apply. There does, at face value, appear to be positives in simplifying the categories of development, which would help the general public have a clearer understanding of the process, whilst providing developers a degree of certainty when pursuing opportunities for development.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No. The approach restrains innovative solutions and pragmatism by replacing policies which can be interpreted to more rigidly defined 'standards'. There is concern that "one size fits all" policies are likely to lead to significant compromise. The Council would question how this would achieve aspirations of raising design and environment quality.

7a. Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?

Not sure. The Council agrees that there is some merit in reviewing the current tests of soundness as they do represent an overly complex set of rules to judge local plans by. However, it is hard to comment on the proposal since there is no specific detail beyond stating it would consider "sustainable development". The Council would need to see further detail on what the "sustainable

development” test would consist of and how different this would be in reality to the current test of soundness.

7b. How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The Council would recommend to Government that they work with authorities across the conurbation to build on what is currently effective under the present system. This will help to retain what does work whilst improving on that matters where the duty to cooperate has clearly fallen short.

8a. Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Not sure. The proposals, in effect, continue the established approach of a standard method albeit with some changes proposed regarding constraints being taken into account. There are concerns that the system should provide a strategic spatial framework for area designations e.g. GM strategic approach and, for example, identify strategically important areas and set general context for the Green Belt etc.

8b. Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

Not sure. However, they should be taken as prime considerations.

9a. Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

No. The Council has serious concerns about this change to the current long established approach of determining planning applications as a discrete process. Establishing whether the principle of development is acceptable within the local plan removes elements of decision making that may not be apparent at the plan making stage. Needing to consider site specific matters simultaneously across a raft of potential development proposals when there may not be a similar level of information on sites to make those decisions. Also, this will likely result in an increasing volume of material being submitted into the local plan process therefore running contrary to the ambition of making the plan making process 30 months, could have negative effects.

9b. Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No, given our serious concerns to 9(a) the Council would find it difficult to support these changes.

9c. Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No, any proposal for new settlement should be brought forward in a wider, strategic context.

10. Do you agree with our proposals to make decision-making faster and more certain?

No. It needs to be recognised that the current decision making process already relies on a significant digital based approach. It needs to be acknowledged that local communities do not have equal access to digital technology. The continued push towards online solutions must ensure that access is still equally available to people without the means to acquire or use digital approaches. The proposal to significantly simplify the volume of material submitted in support of an application is not supported. LPAs have worked hard to ensure the level of information is what is required to allow for proper decision making. It is important that the quality of information, whilst remaining proportionate to the proposal, allows for all issues to be fully addressed and for communities to maintain confidence in the process. The danger is the over-simplification of

information to the point that it does not fulfil the purpose of providing sufficient information for the decision maker.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Yes. Local plans in terms of the current policies maps are already readily available online. In Greater Manchester, significant levels of mapped information is presented as a shared resource via the MappingGM website. MappingGM provides a range of maps that users can explore Greater Manchester's housing, planning, infrastructure, socio-economic and demographic data. The maps are open for all to use, and most of the data used is freely available to download. It is clear therefore that we already seek to present information in a visual and map-based manner.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

No. The Council has significant doubt that a 30 month timescale would be achievable. The process proposed will simply not be able to resolve the complexities surrounding a multitude of increasingly detailed planning matters presented by the influx of sites into the plan. There are also significant concerns about the opportunities for local communities and organisations to get involved in the process. Alternative options suggested in the White Paper both diminish the opportunity for public involvement at a crucial stage of the plan making process.

13a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes. Neighbourhood plans have a role within the planning process and should complement the local plan and other local planning processes.

13b. How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Existing support via Government enables neighbourhood planning groups to develop plans and should continue supporting the process including additional help on digital tools and design matters. Any localised design approach should complement the design process that takes place at the whole authority level.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Yes. The issues around build out are not in our experience planning related.

15. What do you think about the design of new development that has happened recently in your area?

The Council promotes, supports and secures delivery of high quality design developments which, for residential schemes in particular, requires overall compliance with the aims and objectives of the adopted Supplementary Planning Document: Tameside Residential Design (SPD). Bespoke innovative design that meets changing needs is very difficult to achieve but also need to consider the holistic approach to design, this is not just about appearance but also how safety, inclusive access and a response to climate change are embedded.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Support all of the areas referenced (i.e. less reliance on cars, more green and open spaces, energy efficiency of new buildings, more trees). The Council wants Tameside to be a place where residents have the opportunity to thrive, businesses succeed and all residents can fulfil their potential.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

Not sure (due to the level of information available at this stage). Codes would be more detailed and would be resource intensive and care would need to be taken to ensure that codes are not so prescriptive that innovation is stifled and new development becomes a pastiche of a few original designs. It is important that in an effort to get standards and styles agreed in advance so we don't create bland, repetitive communities without an individual sense of place. Often no local consensus can be reached, e.g. what is 'beautiful'? or don't want any development! The local authority is well placed to lead on what is appropriate for the area.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes. Design does need to be given far greater weight in the decision making process. The legacy of poor design results in social, economic and environmental inequality. Local design codes would ensure better consistency and urban design should be an integral role within a LPA. However, Tameside, and many other areas, has distinct local character and feel, and this is not something a national body would fully understand. The Council would not support a new central body if it took away the ability of the Council to make decisions locally on what type of development is appropriate for the area. The Council agrees that an identified lead role on Design and Place-making would assist in driving good quality design.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes. It is important that Homes England ensures design principles are embedded within their processes. However, it is important that any decision on what is considered 'beautiful' is taken locally.

20. Do you agree with our proposals for implementing a fast-track for beauty?

No. The Council does not agree that these proposals could be considered 'fast-track'. Producing and consulting on locally agreed codes/guides is a very extensive process and once in place will need to be reviewed regularly. Any proposals will still need to be given proper consideration both by the Council and the current and future residents. The Council does not agree with the proposals to widen the nature of permitted development as this often leads to poor quality development.

21. When new development happens in your area, what is your priority for what comes with it?

Support all of the areas referenced (i.e. more affordable housing, more or better infrastructure, design of new buildings, more shops and/or employment space, green space). However, there is concern that there is no detail regarding how this will be achieved. We are concerned about the potential impacts of a "quicker, simpler framework" for assessing environmental impacts, with again detail lacking on what this might mean. All of the matters suggested in the question are important albeit their level of importance will vary according to the nature and location of any specific development. Each application must be treated on its merits and issues balanced with local knowledge having a pivotal role.

22a. Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No. There is a current lack of detail in the White Paper as to the levels that may be proposed. Experience around the country has demonstrated there are significant variations in the values that can be captured from development. It is essential therefore that individual local authorities can

continue to apply their own locally derived policies and approaches to deal with their specific circumstances.

22b. Should the Infrastructure Levy rates be nationally set at a single rate, set nationally at an area-specific rate, or set locally?

The Council objects to the principle of this proposal as set out in the answer to Question 22a and considers a national rate practically impossible to set.

22c. Should the Infrastructure Levy aim to capture the same amount of overall value, or more value, to support greater investment or infrastructure, affordable housing and local communities?

The Council objects to the principle of this proposal as set out in the answer to Question 22a and considers that local authorities, working with their communities, should develop and decide the prioritisation of investment specific to their circumstances.

22d. Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

The Council objects to the principle of this proposal as set out in the answer to Question 22c.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

The Council agrees there is merit in seeking to capture value from permitted development but applying this principle via the proposed Infrastructure Levy mechanism is not supported. The Council would prefer that such a proposal is considered through the existing developer contributions route. The Council does not agree with the proposition of a new levy, as set out above, and does not support the expansion of permitted development rights for many reasons – not simply the inability to capture uplift.

24a. Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable housing provision, as at present?

The Council does not support the concept of the proposed infrastructure levy. In terms of securing the provision of affordable housing the Council would prefer that this is done through a proposal linked to the existing developer contribution route. In the majority of cases affordable housing should be secured on site unless there were valid reasons why this would not be practical. Where affordable housing cannot be provided on site a commuted sum would be ring fenced to be deployed strategically by the Council to provide affordable housing.

24b. Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

No. Please refer to answer provided to Question 24(a).

24c. If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

No. Please refer to answer provided to Question 24(a).

24d. If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

No. Please refer to answer provided to Question 24(a).

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Not sure (due to the absence of detail at this stage). The Council prefers that further consideration is given to the continued operation of the developer contributions regime.

25a. If yes, should an affordable housing 'ring-fence' be developed?

The Council does not support the concept of the proposed infrastructure levy. In terms of securing the provision of affordable housing the Council would prefer that this is done through a proposal linked to the existing developer contribution route. In the majority of cases affordable housing should be secured on site unless there were valid reasons why this would not be practical. Where affordable housing cannot be provided on site a commuted sum would be ring fenced to be deployed strategically by the Council to provide affordable housing.

26. Do you have any views on the potential impacts of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

No.