

**From: Mike Whiting, Cabinet Member for Economic Development**  
**Barbara Cooper, Corporate Director for Growth, Environment and Transport**

**To: Cabinet - 12<sup>th</sup> October 2020**

**Subject: “Planning for the Future” White Paper**

**Decision: Non-Key decision**

**Classification: Unrestricted**

**Past Pathway of report: N/A**

**Future Pathway of report: N/A**

**Electoral Division: All**

**Summary:** This report outlines key reforms set out in the “Planning for the Future” White Paper, particularly in respect of their implications for the County Council.

**Recommendation:** Cabinet is asked to consider the “Planning for the Future” White Paper, to provide comment on matters to be included in the KCC response and to agree delegation of the signing of the final KCC response to the Cabinet Member for Economic Development.

## **1. Introduction**

- 1.1 The “Planning for the Future” White Paper (the White Paper) proposes sweeping reforms to the new planning system.
- 1.2 The Government believes that construction is an important part of stimulating the economy, with the Prime Minister having pledged to ‘build, build, build’ as part of COVID-19 recovery. Within this context, the White Paper consultation sets out plans to undertake a fundamental reform of the planning system and intends to deliver a clearer, rules-based system. It has been described by Robert Jenrick, the Secretary of State for Housing Communities and Local Government, as a suite of ‘once in a generation’ reforms to sweep away an outdated planning system and boost planning.
- 1.3 Subject to the outcome of this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms. Primary legislation would be required, followed by secondary legislation, to implement

the reforms. Detail behind some of the proposals will need further development pending the outcome of this consultation.

- 1.4 This report draws out key proposals that could have implications for the County Council and the provision of its infrastructure and services. Members' input is requested on what should be included in the KCC response to the consultation.
- 1.5 Members' attention is drawn to a separate government consultation 'Changes to the Existing Planning System' that has run alongside the White Paper consultation, ending on 1 October, and a letter to the Secretary of State was written in response to this (appendix A). Interim measures were proposed in the 'Changes to the Existing Planning System' consultation, which seek to introduce ways to improve the effectiveness of the current planning system ahead of the implementation of the new planning system proposed in the White Paper consultation.
- 1.6 The proposed changes in the 'Changes to the Existing Planning System' consultation were focused on four themes around the assessment of housing need, the introduction of First Homes, the affordable housing threshold for small sites and an extension for what can be submitted under a Permission in Principle application. Whilst its proposals are different to those set out in the White Paper consultation, there is some overlap/connection between consultations.

## **2 Key White Paper reforms and considerations for KCC**

- 2.1 The overall premise and context behind the White Paper is that the planning system is failing to deliver required growth and housing numbers. The aspiration is to create a housing market capable of delivering 300,000 homes annually. However, it can be legitimately argued that, demonstrably, planning is in fact delivering<sup>1</sup>. Local planning authorities are granting consent for a significant level of housing, but construction on site is slowing down growth rates. So, it is the housing market rather than the planning system that is not working. This does put into question how successful the Government's proposed reforms would be, on their own, in meeting the Government's housing target.
- 2.2 It is acknowledged that there are elements of the planning system that could work better – with some significant problems associated with development contributions, forward funding new infrastructure and the effectiveness of the role Government plays in exclusively investing in 'shovel ready' projects. There is a question as to whether the White Paper will address such issues.

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<sup>1</sup> In 2019/20, 88% of applications were granted consent (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)

- 2.3 Whilst the proposed reforms are claimed to create a ‘simpler, faster, people-focused system’, there is a big shift in how community involvement will function. Public engagement would be focused at the start of the Local Plan process (and even involvement in that process is to be curtailed). The necessity for planning applications would reduce (due to permissions in principle being allowed through the Local Plan process), and those applications remaining would be subject to a stream-lined process that would limit the role of planning committees and communities. These proposals together could risk undermining local democracy and marginalizing local councils. Planning committees would still make some decisions, particularly for schemes in ‘Protected Areas’ (see paragraph 2.8 for further detail) and in the determination of technical details of planning proposals – however, there will be an overall reduction in their role. Other proposals (including for some applications to be given deemed consent if there has not been a timely determination, and for rebate of application fees if applications refused at committee are granted at appeal) may further undermine local democracy.
- 2.4 The White Paper states that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain (landowners and developers), rather than the national or local taxpayer. Currently, the cost of development management activities is, to an extent, covered by planning fees, but the fee structure means the cost of processing some applications can be significantly greater than their individual fee. This is particularly the case for mineral and waste developments that are determined by the County Council (it is not uncommon for technical advice on a simple waste application to cost more than the planning fee). The cost of preparing Local Plans and enforcement is largely funded from a local planning authority’s own resources. The White Paper states that planning fees should continue to be set on a national basis and cover at least the full cost of processing applications, based on national benchmarking. A small proportion of the income of developer contributions via the proposed Infrastructure Levy could be earmarked to cover overall planning costs, including Local Plans and design codes.
- 2.5 There is going to be a high financial cost for the implementation of all the new reforms and ways of working, but no proper indication is provided as to how the proposed combination of a slice of the infrastructure levy and nationally based planning fees would cover costs. There is concern that the fees proposals put forward will fail to adequately cover the full costs of running a planning service.
- 2.6 The White Paper consultation puts forward 22 proposals, against which it poses a range of questions. The rest of this paper identifies the White Paper proposals that may have an impact for the County Council in the delivery of its infrastructure and services and puts forward suggested key matters for inclusion in the KCC’s response.

***Proposal 1: the role of land use plans to be simplified and the identification of three types of land (growth, renewal and protected)***

- 2.7 In a move to deliver a more simplified approach to growth and development, Local Plans would designate three categories of land (growth areas, renewal areas and protected areas) and would give outline planning permission in areas earmarked for growth. Emphasis is placed on the need for Local Plans to be digitised – to be visual and map-based, standardised, based on the latest digital technology. Public engagement is placed at the plan making stage (and away from the planning application stage).
- 2.8 A new system with land categories could provide more certainty for strategic development sites and growth areas in Kent. However, the system is directive in nature and appears quite inflexible (details on how it will work are limited) – and it is likely that it will create its own problems. Setting up a zonal-type system with design codes could be extremely time consuming to do properly. So, there is some scepticism as to whether it will really result in a quicker, more stream-lined process. The details around transition and implementation will be key in moving to a new system – attempts so far to simplify the plan making system have ended up making it more complicated.
- 2.9 Members will be aware that the County Council is the Local Planning Authority for the preparation and review of the Mineral and Waste Local Plan and for the determination of planning applications and associated enforcement and monitoring for mineral and waste development. At present, there is little clarity as to which proposed planning zone mineral and waste matters will fall within and it is difficult to see how the zoning system as proposed would work. It is not clear who will be responsible for planning for waste and minerals or what the implications would be for minerals and waste planning.
- 2.10 Whilst the intent to streamline the process is acknowledged, there is concern that the proposed short timescales being proposed and the level of detail required could disadvantage statutory consultees, including County Councils, in providing evidence of infrastructure needs and requirements. Questions are therefore intended to be raised as to how schemes with deemed consent in the various land categories would deliver the adequate and funded infrastructure requirements.
- 2.11 In cases where automatic outline permission is given for areas in substantial development (growth areas), there must be sufficient detail to enable full assessment, and to identify where new infrastructure and measures are needed, to ensure that the development is sustainable – whether it is ensuring the provision of new schools or ensuring that there is no significant impact on congestion.

- 2.12 In introducing any form of fast-track system for development consent in growth areas, it will also be critical to ensure that there is adequate recognition and consideration of the constraints on development (such as surface water drainage, biodiversity, waste and potential archaeological impacts) – which, when taken account of and mitigated/ planned into the design, could potentially reduce the number of houses that a site could deliver.
- 2.13 In addition, the proposed land categories may not allow for site-specific biodiversity to be taken account of and suggest that areas outside ‘protected’ zones have no biodiversity value that requires consideration. It would also appear at odds with emerging net biodiversity gain objectives. Similarly, undesignated archaeological assets are normally only recognised following archaeological field evaluation and it is not clear how this would be factored into the new process.
- 2.14 The Local Plan process is proposed to be shortened to 30 months. Local Authorities and the Planning Inspectorate will be required to meet this statutory timetable, with sanctions for those who fail to do so. As a plan making authority, the proposed timescale seems very optimistic.
- 2.15 There must be careful consideration of how streamlining Local Plans and splitting land into three types, including the rules that will be applied, will actually work in practice. Overall, the proposed three-part land categorisation generally appears too simplistic and rules-based and is currently lacking in providing the necessary detail.

***Proposal 2: development management policies set at a national level***

- 2.16 Streamlining development management policies could prevent repetition of national policies within Local Plans, which is supported. This arguably builds on historic emphasis - that national policies should not simply be repeated in Local Plans.
- 2.17 However, it will be necessary to have local context reflected into policy, as ‘one size does not fit all’. This will need to be carefully thought through. For instance, whilst setting out national policies for surface water drainage would be acceptable in strategic terms, the topography, geologies and flood risk vary across the country, and from site to site. The national guidance may set strategic objectives for surface water management (such as standards for flow rates and volumes or surface water), but the specification of development requirements beyond this is inappropriate, as local requirements must reflect local conditions.
- 2.18 Similarly, for matters including biodiversity and heritage (and across a range of KCC services), a generic national approach could prevent regional and local

differences to be considered appropriately and could lead to adverse impacts on development and the landscape.

***Proposal 3: Local Plans to be subject to a single statutory “sustainable development” test***

- 2.19 Local Plans would only be required to meet one test of “sustainable development” and the duty to cooperate and soundness tests would go<sup>2</sup>.
- 2.20 Further information is required on what the single ‘sustainable development test’ for Local Plans would include. KCC agrees in principle with simplifying existing Local Plan tests; however, in doing so, it will be essential that key tools for the proper assessment of impacts on the environment (such as Environmental Impact Assessment and Strategic Environmental Assessment) are not weakened and that opportunities for environmental gain are secured. There is also no information to indicate how environmental impact would be considered. It is not clear whether the sustainable development test would fit with the need for plans/ applications to be in compliance with the Habitat Regulations. A robust assessment to replace the Sustainability Appraisal will be necessary to demonstrate how future plans will constitute sustainable development. It is suggested that some assessment of reasonable alternatives (i.e. for issues and options) ought to be retained to demonstrate how the plan offers a sound solution.
- 2.21 Under proposal 3, the consultation also seeks to remove the formal requirement for the Duty to Cooperate. It is not clear what mechanisms would replace the Duty to Cooperate and so significant further detail is required on strategic planning across local authority boundaries and with infrastructure providers. There are many development impacts (transportation, waste and education to name just a few of the applicable KCC infrastructure and services) that cross district boundaries and need to be considered by more than one local authority.
- 2.22 It is worth noting that, whilst the Duty to Co-operate may have had mixed success in district plan making, it has been successful for the strategic planning of minerals and waste management. This may well be a reflection of the cross-border nature of these developments and the economic markets which they work within. Various alternative options specific to minerals and waste planning will be put forward in the response (such as placing regional Waste Technical Advisory Boards on a statutory footing and providing funding to tackle key strategic issues).

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<sup>2</sup> The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Local Plans are examined to ensure they have been prepared in accordance with legal and procedural requirements and whether they are sound.

2.23 The role for wider strategic planning, which KCC has long advocated, is also crucial here, in order to secure balanced delivery of residential and employment growth across the county at pace. Proper strategic planning across district boundaries can support growth aspirations in the long term, whilst also delivering smaller scale growth in the immediate term and is a far more sophisticated way of attaining ambitious numbers of new homes (with the benefit of being locally driven, rather than arbitrarily, nationally derived). Moreover, with the right support and funding from developers and Government, proper strategic and spatial planning will result in well-designed communities supported by the right infrastructure. The awaited Government devolution proposals will be critical to understanding the role of strategic planning, and indeed, how many of the White Paper's reforms around land use planning will operate. Notwithstanding, an important part of the strategic planning approach within Kent will be the Kent and Medway Infrastructure Proposition; a deal with Government for new infrastructure investment, which will enable housing delivery that is focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need now and in the future.

***Proposal 4: a standard method for establishing housing requirement figures. This would factor in land constraints.***

2.24 In its response to the "changes to the existing planning system" consultation, which proposed a revised formula for calculating housing need, the County Council emphasised, with strong concerns, the significant implication of the proposed changes to the formula for housing targets in Kent. The overall annual build requirement for Kent and Medway is already forecast to rise from 7,577 homes per annum (current Local Plan requirement) to 12,073 (a 60% increase) as a consequence of the current standard method. The proposed changes would increase this figure by a further 2,835 to 14,908 homes - almost double that of the current Local Plan requirement per annum.

2.25 The White Paper proposes a further policy proposal – to set binding housing requirements for local authorities to deliver through their Local Plans. The required figure would have regard to the size of existing settlements and the extent of land constraints, but it is not clear how these will be assessed. The White Paper also states that; "the future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here", but it does not specify how.

2.26 The planning for delivery of housing need is a matter specific to district and borough councils, who will have to seek to accommodate such figures through their Local Plans. However, the County Council response would look to again raise strong concern that to deliver the number of houses that would be required under the proposed housing methodology would be a significant

challenge and would be profoundly damaging in its impact on Kent and its residents. Setting a requirement that takes into account local constraints could be incredibly challenging and complex to capture within a nationally set requirement and details are currently lacking as to how this would be achieved. The Kent and Medway Growth and Infrastructure Framework (2018 GIF) indicates that for existing housing numbers, the cost of infrastructure would be £16.38billion (for the period up to 2031).

***Proposal 6: Decision making should be faster and more certain, with firm deadlines and make greater use of digital technology***

- 2.27 Proposal 6 seeks to make decision-making faster and more stream-lined digitally, with a firm application determination deadline of eight or thirteen weeks (as opposed to target timeframes). It proposes shorter and more standardised applications and greater standardisation of technical supporting information.
- 2.28 It is envisaged that design codes will help to reduce the need for significant supplementary information, but it recognises there may still need to be site specific information to mitigate wider impacts. Irrespective of the definition of new data standards and templates, it is crucial for the County Council that the applicants can be required to provide the necessary information.
- 2.29 The current process allows for key stakeholders and the public to make representations and this helps to inform decisions. There is a danger that a reduction in time could mean that the decisions are not well informed or based on robust evidence. For instance, if a transport model needs to be built to test the off-site impacts of a large scale development or a new scheme designed and safety audited, this would not be able to be accommodated within the deadlines being suggested – despite being a crucial part of the decision-making process. There is no reference in the White Paper to the use of Planning Performance Agreements or the ability to agree extensions to the determination timeframes.

***Proposal 9: Neighbourhood Plans should be retained as an important means of community input***

- 2.30 The White Paper indicates that Neighbourhood Planning will be retained, though it is not clear how it will fit into the overall reformed planning system. Neighbourhood Plans are an important tool in policy planning that provide communities with the opportunity to shape future development in their local area. It will be important to ensure that their function is not diminished and limited to matters of design following the implementation of any zoning



proposals. Across Kent, there are a number of areas that are at various stages in the Neighbourhood Planning process, particularly in Maidstone and Tunbridge Wells, where there has been a significant take up in the production and adoption of Neighbourhood Plans.

***Proposal 10: A stronger emphasis on build out through planning***

- 2.31 One of the questions under this proposal heading asks; ‘*what is your priority for sustainability in your area?*’ The response would include reference to the importance for sustainable development to be well served by schools, shops, facilities and also by public transport where residents are able to walk and cycle to facilities on a daily basis and get public transport to destinations further afield. This reduces the demand for car trips and therefore reduces the likelihood of traffic congestion and air pollution. KCC promotes priorities that include multiple benefits - more accessible green and open spaces but also those that protect water quality, health, increase biodiversity, and provide amenity.
- 2.32 The response also intends to advocate the requirement for net environmental gain as proposed in the Government’s 25 Year Environment Plan to be made mandatory through planning.
- 2.33 The response will also support the Government’s ambition to reduce carbon emissions in new homes. The proposed standard sets out how emissions from new homes would be reduced by between 75% and 80% by 2025 compared to current levels. However, the urgent implementation of a full net-zero carbon standard for new homes is essential in order to successfully eliminate emissions from the domestic sector. The County Council would therefore like to see more ambitious energy efficiency standards that ensure net-zero carbon emissions from new homes are net-zero emissions before 2030. Such a standard will ensure all new homes in Kent are suitable for our Net Zero future and will prevent the need for costly retrofit at a later date (it is also noted that the impact on viability and deliverability will need to be taken into account).

***Proposal 11: Design guidance and codes to be prepared locally with community involvement and codes to be more binding on decisions***

- 2.34 Throughout the document, there is a focus on “beauty” in planning and growth, with a proposal to ‘fast track’ applications that meet high quality design standards. There is an emphasis on the role of design codes, connected with the three land designations and associated principle consents on growth areas particularly.
- 2.35 The focus on a ‘fast track for beauty’, whilst not a negative approach, can be very limiting – and of little value if development does not meet people’s needs and does not provide the right services and infrastructure. “Beauty” must be

understood to go far beyond aesthetics – and must include consideration of health, well-being, availability of super-fast broadband, the changing use and demands of workspace and climate change considerations. These are all critical in design and place-making. It is not clear how a fast-track system could work to automatically grant applications that are of high-quality design – given the highly subjective nature of beauty and good design.

- 2.36 Any design codes set at a national level and reflected locally need to be truly robust. The system should encourage the design codes to be as locally defined as possible (a residential scheme in Tenterton can be provided as a good example of locally informed design, where the Parish Council and all tiers of local government and the wider local community were actively involved in the design and development of the masterplan and in the development process), and should make best use of existing characterisation research such as Historic England's extensive urban surveys, and historic landscape characterisation, and Natural England National Character Areas, together with local studies. A great deal of information will already be available in many areas, and it should be used to inform the new design guidance rather than reinventing the wheel.
- 2.37 A separate, but really critical issue is that, as a provider of education facilities, the County Council is constrained by the funding and design requirements set by DfE. These constraints can lead to difficult design and delivery choices and can be a barrier to higher quality designs. There needs to be a consistent approach and standard set by government departments to prevent this sort of occurrence.

***Proposal 19: Introduce an Infrastructure Levy with a mandatory nationally-set rate/s (abolish the current system of planning obligations)***

- 2.38 The proposal is for the Community Infrastructure Levy (CIL) and section 106 processes to be abolished and replaced with a new Infrastructure Levy. The Infrastructure Levy will be a fixed proportion of the value of development (above a set threshold) and is intended to be focused where affordability pressure is highest, to stop land supply being a barrier. Councils would be allowed to borrow against Infrastructure Levy revenues to forward fund infrastructure, with more freedom generally on how councils can spend the monies.
- 2.39 The proposal to remove section 106 agreements and CIL is a fundamental shift and at present, details are lacking in how this would work in practice. This is a real concern.
- 2.40 The current mechanism for the CIL is complicated and fundamentally does not fully address the issue of infrastructure funding – and can often be to the

detriment of the provision of essential and strategic infrastructure, such as education. This creates significant additional financial pressure on providers of statutory services and in particular, County Councils. Whilst a nationally applied tax could work successfully, it is not clear how the Infrastructure Levy rate (i.e. a fixed proportion of the value of the development, above a set threshold) is to be set, which body would be the charging/administrative authority, or how the levy will be distributed. In particular, it is not clear how County Councils would receive contributions and there is general concern around County Council access to Infrastructure Levy funds.

- 2.41 Under the proposed reforms, payments could be paid on the final value of the scheme once it is fully occupied. There is no definition as to what is meant by “fully occupied”. For instance, what would happen if developers leave one property vacant for twenty years? KCC would seek clarity on exactly what is meant by “nationally-set value-based flat rate”. The obvious significant risk relates to cash flow and what KCC’s obligations are to forward fund essential infrastructure such as schools (which of course is an existing and increasingly prominent risk for KCC).

### ***Borrowing against the Infrastructure Levy***

- 2.42 There is a proposal to increase the ability to borrow against future Infrastructure Levy receipts. Often, the current system already results in delivery of essential infrastructure potentially being delayed, due to delays in development coming forward (for a variety of reasons including market forces). Consequently, local authorities are often expected to forward fund and cover borrowing costs or seek additional grant funding for the shortages until they are recovered. The proposal that the Infrastructure Levy should be paid in full on first occupation (effectively at the end of the development process) therefore raises a potential major risk in respect cash flow, with local authority capital programmes already significantly stretched. This is particularly contentious, given that the final levy amount is not known and will be subject to market volatility, along with ongoing issue of viability and the delivery of development being entirely market/commercially driven.
- 2.43 Also, this will be dependent on who controls the Infrastructure Levy pot, as there could be an increased risk of borrowing against the Levy if the rules allow developers to cease development before being fully occupied. There is therefore concern around risks that would be associated with borrowing against an Infrastructure Levy when housing delivery is uncertain.
- 2.44 Further clarity is also required in respect of how any loans taken out by local authorities might be affected, should developers subsequently seek amendments to their consents, such that previously agreed developer contributions are reduced or removed.

### ***A funding mechanism to secure essential infrastructure and services***

- 2.45 The current section 106 system, whilst not perfect, does work well. However, the funding that is able to be secured for essential infrastructure and statutory services through CIL can be seriously inadequate. Therefore, there is often a significant reliance on the use of section 106 agreements, particularly for major or strategic sites.
- 2.46 Moreover, it is proposed to retain the existing CIL 25% 'neighbourhood' contribution under the Infrastructure Levy, which currently enables parishes to allocate CIL receipts directly from development in their area, with limited oversight as to how this is used. If section 106 agreements, (as well as CIL) are to be abolished, this will potentially significantly increase the amount of funding that is ringfenced for parishes, whilst reducing the overall amount available for infrastructure and, particularly where viability is already an issue, this will potentially have a major impact on deliverability of community infrastructure such as schools.
- 2.47 Therefore, should an infrastructure levy be introduced, the proposed response will set out that the Levy should aim to capture more than the current mechanisms tend to allow, to support greater investment in the infrastructure that is essential to support growth and deliver sustainable and future proofed communities.
- 2.48 In respect of how the Levy can be spent, there is support for the proposal for local authorities to have fewer restrictions, provided that statutory services and key infrastructure should first be protected and prioritised. The County Council currently secures contributions for primary and secondary education, communities, highways infrastructure, waste, adult social care, as well as services for people with physical and learning disabilities and older people. There is a need for an Infrastructure Levy to ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth, that statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated.
- 2.49 It is also of note that the minerals and waste industry are already liable for additional development levies in the form of the aggregate levy and the landfill tax. How this will work alongside an Infrastructure Levy is unclear.

### ***Permitted development and the Infrastructure Levy***

- 2.50 There is support for the Infrastructure Levy to be extended to capture changes of use through permitted development rights, which have an impact on local infrastructure and services.

### ***Splitting up big sites***

- 2.51 One of the proposals put forward in the White Paper is to require that big building sites are split up between developers. It is not clear what is meant by 'big building sites' and what size site is being referred to when they are to be divided between developers, or whether they will insist on equalisation agreements between the developers rather than the local planning authorities having to find a way through the quagmire, whilst developers sit on their hands.

### ***Section 106 agreements and their role in mitigation***

- 2.52 It is not clear how on-site mitigation would be secured or funded. One implication of removing the use of section 106 agreements is that there are a range of mitigation measures (including non-financial) that are secured using this mechanism and it so is not clear how the on-site mitigation would then be secured. The loss of section 106 agreements is a key concern and will affect the ability to deliver benefits and mitigation that flow from mineral and waste development (typically public access or biodiversity gain from the restoration of mineral and landfill sites), or for the implementation, maintenance and management obligations for surface water drainage systems (as just two examples). Section 106 agreements are still required to provide essential onsite infrastructure, such as school and including, significantly, the transfer of land/sites at nil cost.

## **3 Financial Implications**

- 3.1 No financial implications relating to the KCC response to the consultation.

## **4 Legal implications**

- 4.1 No legal implications relating to the KCC response to the consultation.

## **5 Equalities implications**

- 5.1 There are no equalities implications relating to the KCC response to the consultation.
- 5.2 The White Paper asks for views on the potential impact of the proposals raised in the consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010. The County Council would look to respond by stating that the government must ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth and

ensure that statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated. KCC currently actively secures contributions for a range of services, including primary and secondary education, communities, and adult social care, including services for people with physical and learning disabilities and older people. Any further pressure on service delivery (financially or otherwise) will detriment people with certain protected characteristics (Age, Maternity, and Disability in particular) - potentially first and foremost.

## **6. Conclusions**

- 6.1 To conclude, the potential implications of the White Paper reforms are significant and wide-ranging. There are some positive proposals being put forward – particularly in seeking more certainty earlier on in the planning process and promoting the role of digitisation. There are other areas that raise serious concerns – particularly around the approach to land categorisation, the mechanistic approach to required housing numbers and the fundamental overhaul of the developer contribution system. Indeed, a full picture of how these mechanisms would actually operate is just not clear with the level of detail put forward in the White Paper. Without such detail it is not possible to consider whether the new planning system can realise Government objectives or properly consider the consequences of any changes.
- 6.3 There are also immediate concerns with the impact on public involvement and democratic accountability. The traditional process of politicians deciding planning applications with opportunities for the public to make representations is effectively ending. The focus on participation at the plan-making rather than application stage will essentially reduce the existing opportunities to engage in the system and a lot of emphasis (perhaps too much) is being placed on the ability of technology to improve engagement at this early stage. Government will have to demonstrate that a greatly digitised process does not further diminish the voices of those already disadvantaged or marginalised, including those with certain Protected Characteristics.
- 6.4 Overall, given the nature of the proposals, the need for further consultation and primary legislation, there is concern that the White Paper falls short in providing detailed answers to how a reformed planning system might operate.
- 6.5 In terms of next steps, subject to the feedback of the consultation, the Government will seek to bring forward legislation and policy changes to implement reforms. Some aspects of the proposed reforms have not been comprehensively covered, and detail of the proposals will need further development pending the outcome of this consultation. The proposals for Local Plan reform, changes to developer contributions and development

management would require primary legislation, followed by secondary legislation.

6.6 The proposals allow 30 months for new Local Plans to be in place, so a new planning framework, so we would expect that new Local Plans would be in place by the end of the Parliament. The Government will implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

6.5 The White Paper consultation runs for twelve weeks, ending on 29 October.

## **7. Recommendation:**

7.1 Cabinet is asked to consider the “Planning for the Future” White Paper, to provide comment on matters to be included in the KCC response and to agree delegation of the signing of the final KCC response to the Cabinet Member for Economic Development.

8.1 Planning for the Future White Paper -  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MHCLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf)

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