

Review of “Planning for the Future” White Paper

1. INTRODUCTION:

The Government launched its much trumpeted White Paper named “Planning for the Future” on Thursday 6th August. It amounts to 63 pages in total and seeks to present a picture of building and development marching forward into a bright future, hand in hand with protection of the countryside, wildlife, heritage assets and rural habitat all of which will be enhanced by the activities of caring builders whose business models will be tempered by a desire to build huge numbers of affordable houses while converting vacant office buildings and shuttered high streets into desirable town centre dwellings.

First things first, however, a Government White Paper is a consultation document (this consultation will last for 12 weeks starting on 6th August) and it is NOT planning law or practice YET. It ultimately leads to a Planning BILL being presented to Parliament at some date in the future. It will then be debated by the Houses of Commons and the Lords during which individual amendments will be proposed and these may be accepted or rejected. Ultimately the Bill will be passed in some form and will receive Royal Assent at which point it will become the law of the land. It will also spawn various pieces of secondary legislation in the form of Statutory Instruments along with two very important pieces of guidance, a new National Planning Policy Framework (NPPF) and revised Planning Policy Guidelines (PPG) which govern how the law is to be interpreted and how the various planning processes, arising from the new law, should be carried out.

This is going to be a quite long process to actually change the current law and then to implement that law into general planning practice. The Government hopes to have this accomplished and operating BEFORE the end of the current Parliament in December 2024. One could be forgiven for saying “good luck with that” given the experience of the Planning Act 2008 which began life as a White Paper in May 2007, was enacted into law in November 2008 and the principle regime of which was finally turned on for Planning Applications in November 2010.

So, for now at least, we should NOT assume that the contents of this new White Paper will in any way affect the current iteration of the Bracknell Forest Local Plan or the LP7 addendum to that plan which relates to Jealott’s Hill.

The Council COULD decide to cancel the current Draft plan and attempt to bring a new Plan together under the new law and rules at some point in the future but that is not currently believed to be very likely due to the extended period which is now likely to elapse before that could actually begin. It is much more likely that the current Draft will be pushed forward to a conclusion under the current law and it is only when the next review of the Plan is carried out (5 years after the current Draft is passed) that the future planning would come under the new law. For now we wait and see.

2. THE WHITE PAPER & THE GREEN BELT:

The White Paper defines three types of land for planning purposes and it seems that all land in England will be shoehorned into one or other of these three classifications:

- (A) **Growth Areas** which essentially means areas suitable for large scale or substantial development. This would include large projects such as urban extensions, new settlements, areas for redevelopment, cluster sites around Universities. Areas of flood risk are specifically excluded from this as would other important constraints unless any risk could be mitigated.
- (B) **Renewal Areas** which mean areas suitable for SOME development which could include “gentle densification” of areas including through infill, brownfield development in town centres and development in rural areas which do not qualify for inclusion in either Growth or Protected areas.
- (C) **Protected Areas** where development would be “restricted” due to the nature of the environmental or cultural characteristics and where, as a result, “MORE STRINGENT DEVELOPMENT CONTROLS” would be needed to ensure “sustainability”.

It is in the Protected Areas that the first and indeed only mention of the Green Belt is made at this point.

The Green Belt is NOT mentioned at all in points (A) and (B) but it would not be safe to assume that neither of these areas **could** include a Green Belt site. It just means that if they did, then the site, by virtue of its Green Belt status, would be required to meet the, as yet undefined, “more stringent development controls”. More details on what, if any, changes to the existing rules this implies will evolve through a process of consultation and will ultimately be finalised in the “new” National Planning Policy Framework. It seems amazing that there is not a single statement of “reform” for planning in the Green Belt so we may expect a wide range of input to the consultation process from both sides of the Green Belt argument.

Later in the White Paper, in the section named “Pillar One-Planning for Development” in Paragraph 2.26, the Green Belt is mentioned again in the words **“the existing policy for protecting the Green Belt would remain”**. This is said in the context of releasing land for development so that land supply does not become a barrier to homes being built in places where “affordability” of housing is worst. Nothing more is said about the existing or any future policy at this point. On the same topic at Paragraph 2.29 the document says, in the context of assessing local housing need, **“In particular, the methodology does not yet adjust for the land constraints, including Green Belt. We will consider further the options for doing this and welcome proposals”**. From this you can see that this White Paper is really a work in progress which in many ways raises more questions than answers. The Green Belt has been seen as the “third rail” of planning policy, by Tory politicians, for some time so maybe this absence of ‘tinkering’ with

the Green Belt is an indication that these radical, once-in-a-generation reforms have not proved to be quite radical enough to go there.

We think a site like Jealott's Hill even if classified as a "Growth" area would fall foul of the fact that Green Belt restrictions continue to apply. It seems more likely that the "permission in principle" concept would only be applicable for a development outside the Green Belt. We can envisage that a site like Jealott's Hill, given its size and single ownership, might well be allocated to the Growth classification mentioned above BUT its suitability would be constrained and the "exceptional circumstances" test would need to be met before development could be approved.

3. Other Items of Note:

(a). The Duty to Cooperate between neighbouring councils would largely be eliminated.

(b). Neighbourhood Plans will continue to exist as much as a means of maintaining an appearance of democracy as anything else.

(c). An aspiration for "Planning for Beautiful Places" is a key part of the White Paper but really it just looks like words designed to meet the "putting lipstick on a pig" reality.

(d). The infamous Section 106 fees and the Community Infrastructure Levy will somehow be merged in a way which should reduce the cost for developers while increasing the contribution to infrastructure costs and to accelerate both build out of developments and early delivery of infrastructure as developments progress. A laudable aspiration because there can hardly be anything worse than being an early buyer in a development who then has to wait years for the promised schools and GP surgeries to appear. Sadly it can be anticipated that the developers will win this argument, as they always have, and later, once the development is under way, they will be seen, driving up to Council offices in their Bentleys to claim that they have a huge viability issue with the development if they now have to do the infrastructure work they originally agreed to in order to get the initial approval.

(e). The length of time for preparation and adoption of a Local Plan will be more prescribed as will be the time taken on planning applications.

(f). Lots of high minded words on the environment, carbon neutrality and protection of heritage assets but little substance and an awful lot of detail still to come on things like Environmental Impact Assessment and Sustainability Appraisals, how the Listed Buildings Act will be reformed, the detail of the proposed national design body and, of course the aforementioned consolidated new infrastructure levy will actually fund enough affordable housing to deliver the promises being made in that area (to name but a few).

4. Conclusion

We are a long way from a final White Paper (12 weeks consultation followed by integration of the results of the consultation) let alone a Planning Bill going before Parliament after the White Paper has endured the attentions of the Parliamentary Draftsman's Office and approval by the Secretary of State. There is ample opportunity for lobbyist input on behalf of various vested interests so Tory MPs will get plenty of attention from their Developer donor's and the like in the coming 12 months.

We should, and will, continue to prepare to fight the Jealott's Hill proposal on the current law at a Public Inquiry. Our objective remains to create a situation in which BFC might actually see the light and drop the entire proposal or at least scale it back to something appropriate on the brownfield footprint which would enable Syngenta to carry out the redevelopment of their laboratories. Failing that we will seek to go ahead and fight the entire LP7 proposal in front of the Inspector when the time comes.

There are serious questions which we will be putting to the Council on the entire basis for the proposal, including how and with whom it originated. Is this a truly a Council initiative or is it a "cunning plan" originated by Taylor Wimpey and presented to Syngenta designed to help Taylor Wimpey with their land banking activities? All this will have to be answered in front of an inspector with appropriate evidence that all possible reasonable alternatives were examined and rejected for good and objective reasons.

If you are interested here is the link to the White Paper.

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