

Response to government white paper, "Planning for the Future"

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Question

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

Yes

While the new categorisation may speed the planning process in the long term (not guaranteed and not evidence-based), time saved in the planning process will be offset by the time spent identifying the 3 area types, consultation, appeals and re-writing the Local Plans. Other aspects of the changes should not be delayed by this process in order to prevent delay to the delivery of appropriate housing.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Question

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

No

The proposal would effectively centralise the process of developing Local Plans and could not accommodate local factors. There are few similarities, for instance, between the needs of central London and the Lake District: one size will not fit all. Local contribution to the plan would be limited to building design characteristics only. This would undo the proud claim (p12 of the paper) "we have democratised and localised the planning process by abolishing the top-down regional strategies and unelected regional planning bodies, and empowered communities to prepare a plan for their area"

Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness.

Questions

7(a). 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? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

Reducing the requirements for sustainability assessment would increase the risk that unsustainable developments will be built. Centralising the process would remove or reduce the capacity, locally, to prevent unsustainable development.

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

The duty to cooperate has already been removed. The issues can now only be addressed by centralising the process (as for HS2).

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land

constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Questions

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

The protection of green space as well as open countryside should be explicit in the constraints. Allocation of land and the development thereof should reflect the housing need at local level, not an *ad hoc* apportionment of global housing numbers decided centrally.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Questions

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?
[Yes / No / Not sure. Please provide supporting statement.]

Not sure

The process of identifying Growth areas would need to be very detailed, subject to wide consultation and an appeal process, for substantial development to be granted automatic outline planning permission. The time taken to do this would jeopardise the objective of speeding up housing delivery.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?
[Yes / No / Not sure. Please provide supporting statement.]

No

The proposals for renewal areas are sensible. However, it is not clear how protected areas would be identified, locally or nationally. Would local communities have any say in the definition? The proposal leaves the door open to large scale development in open countryside which has not been designated "Protected" in the local plan either at national or local authority level. There would be a serious risk of large scale non-affordable development on the fringes of rural communities without any neighbourhood consultation or even contributing to identified local housing need.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

Given the scale of housing need, new settlements would provide large numbers quickly, without over-stretching the infrastructure or density of existing settlements.

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

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

No

Experience of the planning system is that delays in to decision are usually due to lack of resources, especially personnel, in the planning department. Subjecting an under-resourced department to 'fines' for missing targets would be counter-productive. Experience of the NHS is that targets distort delivery, harm healthcare and eventually have to be abandoned. The planning process would be similarly affected. Centralised digital systems do not have a good track record in the UK. Again the NHS has set the standard in its failure to deliver centralised electronic patient care system despite spending £11.4bn over 10 years. Unless a system is already developed and ready for use, it would be realistic to assume that it would be more complex, more expensive and much later (or not at all) than potential providers claim. The likelihood of a digital system significantly reducing the time to decision is low. The money would be better spent in improving existing resources.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

Incentives to meet targets would be preferable to sanctions for missing targets. The cost of any sanctions would be born by the Community tax payers.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

Questions

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

Neighbourhood planning has provided a means for development in line with the wishes of local residents. Participation by the Neighbourhood Plan group in the process of defining the 3 area types, Growth, Renewal and Protected, would be essential if the expressed wish to "*move the democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, ... More engagement should take place at the Local Plan phase,*" (p18). This is

not explicit in the proposal. Neighbourhood plans are already compliant with strategic policies of the Local Plan and it would be expected to continue with new plans. However, it is not clear in the proposal if latitude would be available to deviate from non-strategic policies, assuming there would be any in the future.

13(b). 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?

Neighbourhood planning has addressed the wishes of local residents, but less so the affordable housing needs locally. Easy methods for determining local housing need in a timely fashion would be a huge benefit. For instance, we believe there is a need for affordable housing and no need for market housing. Without up-to-date reliable figures developers will continue to provide housing which maximises their profitability before meeting true housing requirements.

The tools to collect and analyse residents' views about neighbourhood development plans would be a major benefit. Once every 5 years would be a minimum given the speed at which some communities change.

Proposal 10: A stronger emphasis on build out through planning

Question

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 / No / Not sure. Please provide supporting statement.]

Yes

Consider changing the definition of what constitutes a started development eg the first house is ready for occupancy.

Consider penalizing developers for not starting of building-out eg restrict future applications in the same or neighbouring area, CPO, fines.

Consider reducing the time allowed to commence building to 12-18 months before further planning permission is required.

Pillar Two – Planning for beautiful and sustainable places

Questions

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

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Larger developments have used off-the-shelf designs which have failed to reflect local character creating an anonymous suburban dormitory feel what was a picturesque rural village.

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

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Preservation of local services such as public transport, post office and local shops/energy efficiency and reduction of carbon footprint. Preserve and preferable enhance open green space.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

Through our Neighbourhood Plan, a village design statement has been included in its policies. Monitoring has shown that the statement has been referenced only rarely by planning officers (14% of 200 applications) although more often by appeals inspectors (42% of 12 appeals).

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Question

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 / No / Not sure. Please provide supporting statement.]

Yes

A robust mechanism would be needed to ensure that design codes are used effectively. There is no appeal mechanism if planning permission is granted and the design code has been ignored.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

The time saved by a fast-track system will be offset by the time spent in developing and proving the masterplans. It is not likely to speed the process in the short-medium term. The housing shortage is acute.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities,

that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Pillar Three – Planning for infrastructure and connected places

Question

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

More affordable housing / More or better infrastructure (such as transport, schools, health provision)

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Questions

22(a). 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?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

There would need to be robust safeguards against abuse by developers avoiding the levy on self-reported non-profitability grounds. Nationally agreed profitability levels and transparency should be minimum requirements. Low profitable developments still have infrastructure requirements. The proposal does not address the problem of meeting infrastructure cost when a development falls below the minimum threshold. It is not clear when the levy would be decided. If it is decided at the point of occupation, then there is the risk that there would be no levy raised and a local authority had borrowed against the projected levy revenues.

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

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally

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

[Same amount overall / More value / Less value / Not sure.

Please provide supporting statement.]

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

Borrowing against the levy would be risky if the developer were able to avoid the levy, on low profit grounds, at the point of occupancy.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

Question

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

Residential conversions would increase infrastructure pressures.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Questions

24(a). 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 provision, as at present?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

24(b). 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?
[Yes / No / Not sure. Please provide supporting statement.]

No

Affordable housing and infrastructure are not the same. The levy should be reserved for infrastructure. Consideration should be given to affordable housing being a requirement for all developments either as a proportion or its own levy. Without clear separation there is a risk that infrastructure spending would impair affordable housing provision.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?
[Yes / No / Not sure. Please provide supporting statement.]

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Questions

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

25(a). If yes, should an affordable housing 'ring-fence' be developed?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

Consideration should be given separating the levy into "Infrastructure" and "affordable housing"

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

Proposal 24: We will seek to strengthen enforcement powers and sanctions

Question

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