Ministry of Communities, Housing and Local Government Consultation White Paper: Planning for the Future

26 October 2020

Braunton Parish Council's response to the White Paper: Planning for the Future consultation

1.   This paper sets out our response as a Parish Council to the Planning White Paper. The detailed responses to questions are set out at Annex A.

2.   We would also like to make a number of more general comments for consideration as this paper is developed. these are below.

   2.1   Quality and scope of the White Paper. This document is far too general to be termed a White Paper and we would consider it much more appropriate for the paper to be regarded as a Green paper or even a policy discussion. There is simply too far to go from the proposals in this paper to legal text for there not to be further consultations on new proposals - we urge the Government to consult again before the Bill stage, once more detail is available.

   2.2   The White Paper and local democracy. We welcome the reference to greater public involvement at the Local Plan stage, but are fundamentally opposed to the elements of the White Paper that remove citizens ability to comment on specific applications once a Plan is adopted. Also, this paper is largely silent on the appeal process. If the Government wishes to promote local engagement and community influence it should consider the full process by which this can be promoted. This process runs from Local Plan through Application to Appeal stage and needs to be considered together, not piecemeal as is the case in this White Paper.

   2.3   The move to digital. On the whole we support any work to simplify the Local Plan process and make it easier for citizens to access the Plans. However, any steps to digitise the process must be additional to, not instead of, existing procedures. The White Paper ridicules the notice on a lamp post, but this, and the local paper, is still the way lots of people find out about local planning applications. In rural areas like ours where broadband is poor and digital literacy and access an issue, any planning process has to accommodate this reality.

   2.4   The purpose and scope of the Planning System. We are very worried that the White Paper seems to be written assuming that the only function of the planning system is to bring forward housing. This paper reflects a substantial de facto reduction in the scope of the planning system without saying so. Where is Net Zero? What about planning and health outcomes? What about our targets for restoring nature? These are not things that simply happen somewhere else - they are fundamentally shaped by the planning system but this White Paper is basically silent on them. This is not acceptable - because poor decisions in the planning system will make our objectives in all these other areas much more difficult. Simply put, too much is missing from this White Paper (for example where is flood risk or air quality?)

2.5   <u>Standards and Quality</u>. Beauty is in the eye of the beholder but standards are clear to everyone. The focus of the White Paper on local design codes is welcome but relying on language like 'provably locally popular' is a recipe for ambiguity and loopholes through which developers will jump. We urge the Government to add much more detail in terms of quality and standards, not general descriptions. Specifically, the description of the direction of travel on energy standards is woefully unambitious. We should be requiring zero carbon housing standards now, not by 2025 (or 2050!). The technology exists, it's not expensive if designed in - we need to get on with it now.

2.6   <u>A suburban White Paper?</u> We are concerned at the apparent lack of wider applicability of the White Paper. The document reads as though the authors have a specific setting in mind - perhaps an area that's already substantially urban with many brownfield sites and with high demand for new housing. It doesn't seem relevant to our area - substantially rural, with a wide range of dispersed communities, an older demographic, over reliance on cars, a surplus housing supply with lots of second homes but with key issues of poor housing quality and affordability, and an average household income substantially below the national average. The White Paper doesn't describe a planning system that will help our issues.

2.7   <u>The proposed Infrastructure Levy and Equity.</u> We support some new means to retain land value uplift as part of the planning process. But the current proposals lock in an equity problem, because already affluent communities with higher unimproved land values will receive more levy than poorer communities. The system needs to address this inequity, not exacerbate it.

3.   Overall this White Paper is indicative of a very narrow view of the purpose of the planning system and needs, we would argue, substantial development in detail and a further round of public consultation before any Bill is drafted. It represents a huge missed opportunity - it takes us away from a holistic and comprehensive system that takes the needs and desires of citizens seriously, and toward an overly permissive system with one apparent purpose - hitting the numbers.   We want a system that helps create the places that people want and that allows them to thrive, whilst taking account of the needs of the natural environment and the need to decarbonise our society.   We don't think this White Paper takes us in that direction.

4.   We look forward to seeing and being able to comment on the next phase of this work.

Cllr Elizabeth Spear, Chair
Braunton Parish Council

ANNEX A - WHITE PAPER: PLANNING FOR THE FUTURE

Consultation Questions: Braunton Parish Council

Pillar 1

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

   Bureaucratic, pretentious, cumbersome, lacking clarity and opaque.

2. Do you get involved with planning decisions in your local area? [Yes / No]

   Yes, Statutory Consultee (Parish Council)

   a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

   N/A

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? [Social media / Online news / Newspaper / By post / Other – please specify]

   The Parish Council would hope to continue to be consulted / communicated with as a Statutory Consultee. Access for parishioners should be provided via email (sign up to alert system in the area) Social media / Online news. Not everyone has access to digital information for various reasons such as poor broadband width therefore the option to be communicated via postal service should be available.

4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

   All of the above are important. An effective planning system should include all of these things.

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

   No. We support the simplification of the process but not the specific proposals in the paper. We are specifically concerned about the realism of a 30 month target for Plan development and for the proposal to limit the scope of policy in Local Plans. However they are developed, Local Plans must continue to be a one stop shop document where citizens can find the full range of policy and plans for their areas.

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, we strongly oppose the proposals to streamline the content of local plans for two reasons. First, in doing so you will necessarily make local plans less specifically relevant to their local context - because of a failure to take into account local circumstances. Second, we are very concerned that limiting the development of policy in Local Plans will fundamentally undermine their de facto role in providing to residents a good summary to what is relevant to a local area. They are more than just identifying land for development and they need to cover areas specifically relevant to local communities. Producing Local Plans that are less specifically relevant to local communities will also potentially reduce the incentive for citizen engagement in the Local Plan process, so undermine aspirations expressed elsewhere in the White Paper.

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.]

   No, the proposed test would be inadequate for the protection of 'sustainable development' as this term is so poorly defined and open to interpretation in the planning system - a much more structured, consistent and challengeable test is needed.

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

   No, the duty to cooperate should not be removed as this would cause inconsistency and inequity between adjacent areas.

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.]

   No, as the government's proposed algorithm does not take into account local circumstances. Local Authorities should retain the scope to assess the requirements for their local areas. a standard method should be the basis for this, but LAs must have the ability to tailor requirements.

   (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.]

   No, a wider range of issues shape housing need. A single algorithm cannot address the needs in different areas.

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.]

No, as this creates a democratic deficit as elected councillors will not be able to represent the views of their voters if, for example, a made local plan was agreed under a completely different administration. The views of current democratic representatives must be taken into account.

(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, it's impossible to agree with proposals that are so poorly defined. For example on one hand 'Renewal' is limited to the existing built up area but on the other hand could include green field sites. Also, it seems that protected areas are not actually protected as developers can still make a planning application to build on a protected area.

(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.]

No - again it's impossible to agree to a policy that is so poorly defined.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

    No, we don't agree to your specific proposals. They may deliver faster decisions but you cannot argue that so poorly defined a set of proposals will deliver more certain decision making. The detail in the paper simply doesn't support this assertion.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

    Yes, but not everyone has access to finding information online. Paper document can provide an important failsafe if digital technology lets you down. We would support both digital and paper Local Plans.

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.]

    No, this timescale is unrealistic.

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 Plans should provide a vital role in the planning system. A Neighbourhood Plan would contain the design / building codes that address the needs of specific communities. A Local Plan is more generalised over a much larger area and should be complemented by locally produced Neighbourhood Plans.

(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?

More funding to develop accessible websites, better support from the local planning authorities (many of whom seem ambivalent about Neighbourhood Planning).

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, as soon as planning permission has been granted developers should get on with building. Yes, further measures are needed to support this - for example once permission is granted after two years the developer should pay council tax on any unbuilt properties.

Pillar 2

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]

No standardised approach, poorly designed and not built to last. Inadequate living and outside space, no sense of local relevance.

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]ing

Energy efficiency and fuel poverty.
Provision of walking and cycling routes, green spaces and tree planting.
Protecting the quality of the natural environment.

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide a supporting statement.]

Yes, but we think this should focus on standards and quality issues not subjective ideas of attractiveness of local suitability. Centralised standards do not mean that one size fits all. Design should be considered at the early stages of planning instead of having to expensively retrofit housing years later.

There is an urgent need to engage with the quality of the build and energy standards. For example, Passive housing has been successfully deployed for social rent housing and could easily be required for new build. Why on earth are we not mandating zero net carbon housing now? we should have been doing so since 2016 under previous plans.

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

   No, as we are sceptical that a central body will tend to impose things on local areas. With regard to the officer, yes, but with a caveat. We welcome a focus on placemaking but this cannot simply be about housing numbers - an effective placemaking approach should also cover net zero, restoration of the natural environment, health outcomes and infrastructure.

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.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

   No, well built (to last) and energy conservation should be more important than the appearance of the outer build. Also there is already a provision in the NPPF (para 79) for proposals of architectural merit.

Pillar 3

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]

   All of the above. Affordability should be based on local income. Would like adequate social housing not sold on the open market, with no right to buy. Local planning policy should also have the flexibility to stop second homes and holiday lets where there is not sufficient housing to meet local needs.

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.]

   No, as there needs to be more detail who will control it local / national. There is also an equity issue as affluent areas with higher land values will get more money than poorer areas.

   (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.

(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.]

More value to support the local community. Developers should pay more but there needs to be a mechanism to make sure it does not result in the cost being passed onto the end buyer

(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.]

No - government should make the funds available to local authorities to start with.

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, this should also include liability created by removing a condition (which then reduces build out cost).

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, although the amount being secured at present is not sufficient it should be at least the same or more.

(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 - there should be a requirement to build affordable housing and pay infrastructure levy in addition.

(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

N/A

(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.]

N/A

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

Yes, we would support fewer restrictions, perhaps linked to conditions such as adoption of neighbourhood plans. More control should be given to local communities to spend on things important in their neighbourhood.

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

Yes, protecting affordable housing to be built is important but the housing should be built within the appropriate parish.

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?

There is little information in the white paper acknowledging that people have different needs. Design codes must include issues of accessibility (although this may also be covered by existing legislation).