

LAUNTON PARISH COUNCIL

Response to the MHCLG White Paper: Planning for the Future October 2020

The Parish Council considered a response to the Planning for the Future White Paper at a meeting on 8 October.

Using the questions supplied, the responses are as follows:

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

1. Biased
2. Complicated
3. Inconsistent

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

Yes

- 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]

Not applicable

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]

All suggested methods together with direct notification from the Planning Authority.

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]

Protection of green spaces

Protection of existing heritage buildings or areas

Increasing the affordability of housing

AND a fourth

Preventing the coalescence of currently-separate settlements

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

No

The three categories proposed to cover all land in the country are far too simplistic, especially in rural areas; there is no room or provision for nuance or respect for local priorities.

The three-tier proposal as stated would produce a developers' paradise by guaranteeing permission in principle for everywhere that isn't in the Restricted category; this would either lead to Local Plans using the Restricted category for things that the Government may think inappropriate (which would doubtless lead to Local Plans being overturned by central Government, leading to violation of the claimed democratic nature of the plans and loss of trust), or for people forming the view that the planning system has now simply become a "developers' charter" that will destroy England's green and pleasant land (existing Green Belt protection is hopelessly out of date and no longer fit for purpose), again leading to loss of trust.

Growth areas are required to have an accompanying "masterplan" and "site-specific code" agreed as part of the permission in principle. However, it is difficult to see how such an ambitious level of detail could be achieved within the new local plan approval timeline

The white paper also talks about increasing democratic input into the planning process, yet the reforms would move democratic input to the plan-making stage, limiting opportunities to feed into the discussion.

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

NPPF policies (which seem to be the only "policies" permitted by the proposals) cannot be relied upon to work appropriately in all areas. By removing the Local Plan's ability to specify that "things are a bit different here", you destroy local accountability and therefore democracy.

While streamlining the development management policies is a good idea in principle, don't "throw the baby out with the bathwater" -- the second alternative (allowing current levels of flexibility for development management policies but banning those that duplicate national ones) is a much more sensible option.

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

It depends on how well the environmental assessment is handled.

However, the simplification of the existing opaque proposals would be a good idea as they are difficult for the public to engage with. The alternative option proposed might also be a way forward.

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

There was no proposal suggested to address this.

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

The probability of a standard method housebuilding targets, which centrally imposes them on local areas, gaining any kind of public acceptance is very low; look at how the current system, which has a similar effect, is viewed (e.g. by the residents of South Oxfordshire). Local people will not engage in a planning system with top-down diktats.

The proposed alternative option is more reasonable, but be careful with the five-year housing supply requirement: it has a great potential (which has been observed in action at planning appeals) for abuse by developers failing to build out already-granted permissions, then using their sector's failure to build houses as an excuse to invoke the five-year rule and bypass local policies.

The assumption should not be made that the Green Belt is still a suitable way of preventing urban sprawl! It is not: it is hopelessly out of date, leaving some areas protected but stifled while others with no "Green Belt" protection are engulfed by rapidly-expanding towns. The system needs revision.

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.]

Not sure

While it appears reasonable at face value, it is not always possible, or sensible, to require desirable areas to take a lot of new housing and thereby 'solve' the problem (then making the area undesirable). For instance, assessing housing prices in Mayfair would not be an appropriate indicator of affordable housing in the rest of Westminster, or assessing housing prices in Boars Hill, Oxford would not be an appropriate indicator of affordable housing in Blackbird Leys.

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

The potential for this leading to unfettered development is significant, as there is great potential for insufficient checks and balances. There is also significant risk of poor outcomes depending on how carefully used the Growth designation is, and how well-drafted the rules and design codes are.

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 Renewal designation having a statutory presumption in favour of development is ripe for abuse, and could easily lead to local planning authorities losing control of the development process due to an inability to agree specifics of a scheme which has already been deemed to have consent in principle.

Establishing an "effective means for neighbours ... to be resolved" is a prerequisite for the entire proposal, and if one cannot be found, the proposal must be rethought.

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.]

Not sure

It would need careful handling if it were done, although at face value it doesn't sound completely unreasonable. However, the Parish Council is not aware of a successful fully implemented project and there appears to be a poor track record on NSIPs being conceived in a positive way. Bringing housing under the same auspices seems unlikely to achieve good results.

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

No

Whilst recognising that greater use of digital technology is desirable and eventually necessary, sufficient time should be taken to get it right rather than just imposing it. As regards faster and more certain determination, some proposals make sense, but there are areas of great concern: for instance, the intention to deem granting of permission if there has not been a timely determination is dangerous. There are sometimes very good reasons for timely determinations not to be made, especially with complicated or contentious applications, and trivialising them with the threat of automatic granting of permission will not lead to satisfactory outcomes.

Parish Councils value the Statutory Consultee responsibility. Therefore, due consideration should be given to local democracy and the ability for Parish Councils to respond within the current, reasonable, timescales: anything shorter would be extremely difficult to administer and would reduce that democratic right to represent the residents 'on the ground'.

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

Yes

Provided that the integrity of the Local Plans is assured. How are updated-on-the-spot digital Local Plans, which will not be available in any kind of printed document, going to be protected against the possibility of tampering that changes them after they have been adopted? Will there be a good system for users to see what revisions have been made?

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

It is too restrictive and will lead to poor-quality, rushed plans that do not have the backing of the local people. The evidence used to justify it (the increase in time taken to produce local plans since 2009) is weak, as most of the reason for the long times has been the constantly-shifting sands of central Government requirements; witness the attempts to get the Cherwell Local Plan finished, when it was completely derailed by the requirement to absorb some of Oxford's unmet housing need. This was not the fault of the local planning authority, but the fault of central Government.

The Government should be offering support to assist Local Planning Authorities with producing Local Plans, rather than threatening punitive measures and penalties if they do not do so quickly enough.

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

They provide an important way for local people to have some control over development in their areas

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?

The whole concept would be improved by enabling real community engagement around design rather than capture community preferences. The use of digital tools and digital technology would be beneficial to increase community engagement within the neighbourhood planning process.

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

Records show that during the last decade, 90% of planning applications have been approved, while there are more than 1 million homes already with planning permission that have not been built.

Perhaps placing a requirement on developers to build out existing sites before getting any permission for new ones, with measures to identify when the same company is using a new front to try to avoid the rules, and to handle the issue of one developer gaining planning permission before passing the site on to a different one to build out?

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]

Mostly fairly generic; neither inspiring nor offensive, and with little innovation or attempt to benefit the environment. Build quality, on the other hand, is poor, which seems endemic in the sector.

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]

More green and open spaces, which are protected from development especially where there are inadequate or over-developed gardens – and avoiding the coalescence of settlements to ensure their sustainability as areas with distinct characters.

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.]

No

The proposals are vague and without substance, and the threat of having national guides and codes imposed centrally if local engagement cannot be proved seems draconian. This has great potential to lead to local disagreement (beauty is in the eye of the beholder – it is not some kind of agreed objective standard), possibly paralysing the Local Plan process, thereby eventually imposing centrally-approved buildings that no local people like and which aren't 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 / No / Not sure. Please provide supporting statement.]

Yes

The chief officer role could be very important, ensuring that planning authorities take this seriously. It is imperative, of course, that chief officers are effective in their roles. We are hesitant to agree with the creation of a new QANGO unless it has talent, well-defined purpose, and authority.

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

Design is important, and has a considerable effect on the feelings that places invoke, although the idea of good design being a universally-agreed objective standard is ridiculous.

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

No

Who is the arbiter of beauty and good taste? The name of the concept is woolly and meaningless, and again the concept of "beauty" being an achievable and agreed objective standard is ludicrous, but having said that, some of the points made in the discussion are good.

Making all new streets "tree-lined" sounds nice in a fluffy sort of way but is silly, and may play into the hands of criminals by obscuring houses from each other, as well as having the potential for causing problems years later with tree roots undermining structures, driveways, pavements etc. People cut down trees that drop leaves into their gutters; the idea that everyone wants to live in a tree-lined street is unrealistic.

Inappropriate development of land at risk of flooding is currently rampant; any new system must do this properly. A new local development, where the Environment Agency dropped its objections to building on a flood plain, was recently mostly under water due to heavy rains (which caused flooding of nearby properties), and it will only get worse with further development – this sort of thing must be prevented in the future.

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]

Other

That the impact of the new development on the immediate and wider area and existing facilities and infrastructure is properly taken into account. There are too many instances of the law of unintended consequences!

Our next priorities are, in descending order:

- more or better infrastructure (such as transport, schools, health provision);
- more affordable housing; and
- green space.

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.]**

Yes

The current system is becoming unworkable. But there are caveats, including:

- i. Specifying Infrastructure Levy as a proportion of "value" may lead to developers deliberately trying to minimise the apparent value of sites, and the possibility of corruption of valuers, in order to minimise paying the levy. Recent experience with a Minister being cajoled into forcing through planning permission before a deadline, purely to avoid the developer paying an increased levy, demonstrates the lengths to which developers will go to reduce how much they have to pay towards providing necessary local infrastructure.
 - ii. This could lead to developers concentrating on building in low-value areas to avoid the levy, undermining the Govt's stated desire to provide more housing in the popular, expensive 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

The cost of providing new infrastructure varies wildly across the country. A single rate would betray those areas where infrastructure is expensive to provide (notably very rural areas); a nationally-set area-specific rate would fail to take into account the local knowledge of how difficult it is to provide infrastructure. A locally-set rate is the only sensible option.

- 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.]**

We would have liked to say "more value" to make up for years of under-investment in infrastructure, but we are concerned that this could lead to more expensive, or lower-quality, housing as developers try to keep up their profits; so perhaps "the same value" is the safer option.

- 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.]**

Yes

Provided:

(a) that there is a safeguard that the Levy will eventually be paid even if the developer goes bust;

(b) there is a system for managing the increased risk for the local authority; and

(c) that there is a checking system in place to avoid authorities getting too carried away and landing themselves in trouble.

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

Doing this would increase the levy base and therefore the benefit to society, and it would remove the temptation for unscrupulous developers to "game the system" by doing one form of development, then converting it to something else, to avoid or minimise the contributions they would have to make

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

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.]

Not sure

Both ideas are appealing, while very different.

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.]

Yes

The risks are real, and must be mitigated against.

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.]

Yes

Allowing the apparent value of the in-kind delivery to be reduced if the provided housing is not of appropriate quality would give developers an incentive to build "proper" affordable housing rather than the lowest quality they can get away with.

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

Yes

The flexibility lost by abolishing Section 106 agreements must be restored in the new Infrastructure Levy.

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

Yes

To avoid the temptation for authorities to reduce the provision of necessary affordable housing to concentrate on more headline-grabbing and/or popular projects.

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?

No!

15 October 2020