



The countryside charity
Warwickshire

41A Smith Street
Warwick
CV34 4JA

Tel. 01926 494597

Please reply to: jean.walters77@gmail.com
25th October, 2020

Planning for the Future Consultation,
Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

Planning for the Future

The Government White Paper on Planning has been studied by the CPRE Warwickshire Planning Team. Here, for your consideration, are our comments.

However, before we set out our answers to the set questions, we must make some general observations. Housing requirements should depend upon a genuine need and demand for new homes in each particular area. It should be sustainable and develop from accurate and credible models. One recent example of seriously inaccurate data is the very high forecast of population and household growth for the city of Coventry up to 2031, far higher than any other urban area in the West Midlands. This is based on wholly wrong assumptions on international migration caused by the large number of foreign students in the city, and the failure to project their departure at the end of their courses. The data error has caused hugely exaggerated projections of housing requirements for Coventry and the loss of Green Belt for a fictional need.

The White Paper shows a lack of knowledge of the planning system and the principles of planning. There is insufficient detail to understand the full impact of the proposals, but we believe that, although there are some positive goals and changes being proposed, overall they will not result in sustainable development, will lead to losses and damage to the natural environment that will exacerbate the climate and ecological emergencies, will widen health inequalities and will lead to a severe loss of the democratic process.

The title of this paper belies its principal intention. It is essentially not about planning for the future, but about relaxing controls in order to build as many houses as possible as quickly as possible. In particular, we are concerned indeed about the risks that will be incurred through yet further deregulation and zoning in the American style. In the form set out in the White Paper, we do not believe that the new framework will guarantee better outcomes. While there is an emphasis on making the system more accessible through technology, it will reduce democratic accountability.

In the Forward by the Prime Minister, he describes the present planning system as “a relic from the middle of the twentieth century.... outdated and ineffective.... The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.” In so far as planning is complex it is largely because of the endless alterations and tinkering by Secretaries of State who have deliberately made planning, not so much complex, as vague and easy to override, as the developers naturally wish. In in the midst of this constant flux the professional planners and the public find it harder and harder to understand. Planning is one of our most powerful tools for shaping the places in which we live and work. It is vital that it should be made to work properly on our behalf.

Q1. What three words do you associate most with the planning system in England?
Planning for people.

Q2. Do you get involved with planning decisions in your local area?

Yes

Q3. 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?

On-line. However, printed paper copies of documents should be made available in the Local Authority receptions. The advent of the home computer means that planning applications can be scanned by most people. The majority of us are thus now able to take a much greater part in planning and many of us do so. It is therefore essential that every planning document published on a local planning authority’s website should be easily legible on a home computer or laptop. Every word of the text that accompanies an application, whether in documents or on plans, should be perceived on a home computer or laptop as printed in 12-point type. Where planning documents are digitalised and accessible on-line and by download, plans in pdf format should be true scalable pdf documents that can be enlarged and searched, not just JPG images that have been turned into a PDF format which then pixelate when enlarged. The intentions of every applicant must be made as plain to the public as they are to the professional planners.

Q4. What are your top three priorities for planning in your local area?

Protection of the Green Belt and mitigating for any loss, not by just making some Green Belt more accessible to the public, but by allocating a similar sized land area so that there will be no overall loss for future generations to enjoy. High performing Green Belt land must be treated as sacrosanct.

Climate change and environmental degradation already pose serious risks to human health and wellbeing, and these risks are going to increase. So, all development must be closely integrated with planning for the environment to increase the resilience of both the population and places to flooding. In order to meet the goals of the Government’s twenty-five-year

Environmental Plan, we must reverse the decline of habitats and biodiversity. We must increase the stocks of our natural capital, plants and animals, and the functioning of the natural ecosystem. It is hoped that the Environment Bill will become an Act shortly to assist in this aim.

However, there will need to be more professional environmental staff in the local authorities to address this increased workload. The environmental policy in the NPPF should be first “to do no harm” to areas of high ecological value, and not just compensate\mitigate if development will cause harm. All development contains an element of biodiversity loss; this should be offset by a biodiversity gain elsewhere, as stated in the current Environment Bill. The scheme being tested by DEFRA in a few districts should be rolled out nationwide. In this environmental category, as it has also become harder to feed ourselves, a reminder that our farmland must be protected in order to provide this country with a sustainable supply of food in an emergency that precludes importing food from abroad.

Helping first time buyers on to the housing ladder should of course be a priority for the Government. We welcome your aspirations in this matter, especially in giving assistance to people in rural communities. Where an up-to-date local plan is in place it must be followed. However, developers must provide affordable homes on all sites over 10 units and not be able to reduce this provision using the viability let out clause, so your proposals for a standardised contribution should close this current loophole. This will require a repeal of Section 7 of The Growth and Infrastructure Act. As it currently stands developers are the only commercial enterprise not to be held liable for the terms of a contract freely negotiated.

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

No. Planning is complex by definition, so how can simplification work? An increased use of American style zoning is both impractical and undesirable, given the historical mosaic of our settlements.

These proposals, taking away control from local communities and the councils who serve them is deeply concerning. Local Plan policies must be sufficiently detailed and tailored to local circumstances. The White Paper proposals for paring down the development, management function and stripping planning authorities of their ability to decide development proposals (or placing restrictions on this) outside protected areas will mean local people and elected councillors who serve them will have less say over what development can or cannot go ahead. This is anti-democratic.

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No. There is no substitute for the careful analysis of developments made by qualified and highly skilled planners.

Q7. (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?

No. However, a statutory sustainable development test aimed at ensuring this approach happens in practice would be welcome but would not negate the need for a Strategic Environmental Assessment of plans. There should be an objectively based analysis of sustainability using a model such as that produced in 2018 by the Sustainable Development Commission using a sustainability scorecard approach. See www.thescorecard.org.uk

Q7. (b) How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Through a locally accountable, democratic, strategic planning tier. This is only currently practicable in those parts of the country where an elected mayor and/or combined authority has planning powers or authorities choose to work together strategically. Compelling one local authority to take on the unmet housing needs of another has resulted in much resented invasion of The Green belt and inappropriate development.

Q8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

The ONS publishes projected household increase by local authority area. The latest (2018-based) household projections offer a reasonable guide to the number of additional dwellings that are needed in each local authority area annually. But in the period since 2015 Secretaries of State have told local authorities to ignore these projections (which have a sound statistical base) in favour of a random figure of 300,000 houses a year and imposed formulas to set numbers for each area that are higher than needed – in order to support the policy of 300,000 houses a year being built. It is important to stress that the projections are not forecasts and should not be treated as if they are - by the Government, planning authorities or anyone else. They merely indicate what might happen if past trends and policies were to continue. They should be seen as the starting point for a reasoned discussion about whether those trends and policies will / should continue. Adjustments to the level of housing need indicated by the projections should be possible in either direction, not just upwards.

A methodology may be practicable, but only at the strategic level (county wide for example), and only if it factors in local constraints. Areas with the greatest affordability constraints, where house prices are most expensive compared with incomes, are not necessarily the most sustainable locations to develop, yet under the proposed approach would plan for more

homes than otherwise. Conversely, places with fewer 'affordability' issues may benefit from inward investment and development but be neglected under such a method.

A standard method should also provide a statement of the type of homes required for different groups drawing on local evidence (for example on the need for affordable and accessible housing). With no real system of strategic planning beyond local authority boundaries proposed with the abandonment of the last vestige of regional planning— the duty to cooperate – what happens in the plan- making process where a local authority simply does not have the capacity to identify sufficient sites for a larger number of houses? If 'protected' areas are sacrosanct and all the space in 'growth' or 'renewal' areas is used up, then it presumably won't be necessary for the relevant local authority to identify sufficient sites to meet the newly identified figure. In essence, something will have to give, which would either be a protected area or a lower number of sites.

Q8. (b) Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

No. The capacity of places to accommodate sustainable development should be the primary objective. Simply building more homes won't make them more 'affordable' as developers are unlikely to flood the market to a level that would make house prices fall. Moreover, the Government has a vested interest in seeing that house prices do not fall having undertaken to guarantee mortgages of all houses purchased up to £750,000.

The quantity of development planned for should be based upon an assessment of local need and the area's capacity to accommodate development in a sustainable manner. What happens in the plan-making process where a local authority simply does not have the capacity to identify sufficient sites for a larger number of houses? If 'protected' areas are sacrosanct and all the space in 'growth' or 'renewal' areas is used up, then it presumably won't be necessary for the relevant local authority to identify sufficient sites to meet the newly identified figure. In essence, something will have to give, which would either be a protected area or a lower number of sites.

Q9(a). Do you agree that there should be automatic permission in principle for areas for substantial development (Growth areas) with faster routes for detailed consent?

No. Larger, substantial sites are often the most complex and another layer with zoning will only add further delay to the planning system. This requires more scrutiny of proposals, not less, so an automatic permission makes no sense. Development proposals should continue to be decided by way of a planning application. The planning application process provides for public, democratic scrutiny.

Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No. The planning application process provides for public, democratic scrutiny. This is a prerequisite for robust, transparent and fair planning outcomes and should be retained. For renewal areas, a presumption in favour of development would apply and therefore it is not clear that provision for the same level of public, democratic scrutiny by way of a planning application as we have now would continue.

Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No. New settlements should be considered at a regional strategic planning stage, and then only with full public participation. The NSIP regime is not at all participative and is an inadequate scrutiny of proposals that it now takes on. New settlements must be considered by democratically elected authorities and the permissions for any that are granted should be their responsibility.

Q10. Do you agree with our proposals to make decision-making faster and more certain?

No. With regard to planning applications, the system must provide for sufficient information about the proposal to be forthcoming to enable a robust appraisal by the planning authority of the proposed scheme and associated impacts.

Public participation and democratic scrutiny are integral to our current system and necessary in order for decisions to be fair, transparent and robust. Under the reformed system as proposed the democratic scrutiny and public participation that occur in relation to specific planning proposals would be lost.

With regard to the proposal for greater digitalisation of the application process to make it easier for applicants, it is important that any automation of the process be restricted to routine, simple elements. Computers are no substitute for human judgment, professional or otherwise, public participation and deliberation by way of a planning committee.

There is a need for better presentation of planning documents online. The advent of the home computer means that planning applications can be scanned by everyone. All of us are now able to take a much greater part in planning and many of us do so. It is therefore essential that every planning document published on a local planning authority's website should be easily legible on a home computer or laptop. Every word of the text that accompanies an application, whether in documents or on plans should be perceived on a home computer or laptop as printed in 12-point type. The intentions of every applicant must be made as plain to the public as they are to the professional planners.

Q11. Do you agree with our proposals for digitised, web-based Local Plans?

Greater use of digital technologies is needed. However face-to-face communication and access to hard copy documentation also matter. In-person events provide for a level of

engagement and discussion that may not be achievable through digital technologies. Both types of communication are needed.

Q12. Do you agree with our proposals for a 30 - month statutory timescale for the production of Local Plans?

Yes, but only if they are quite different from those produced under current legislation. We suggest that strategic planning is the top tier, where housing and employment targets are agreed, review of the Green Belt can be undertaken and strategic infrastructure requirements included and costed. The individual local authorities then conduct a sieve map technique analysis of their area to identify the most sustainable locations to accommodate future growth, including brownfield locations and then “call for sites” in those selected areas. The Local Plan draft is then prepared and a period of public consultation is held following which necessary amendments are made before the final plan goes to the EIP. Qualified, creative strategic planners should be allowed to carry out their visions for their areas.

Q13. (a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes. Neighbourhood Plans should continue as now or be enhanced, not restricted in the manner the reforms propose. We are concerned that these reforms, were they to go ahead, would disproportionately affect vulnerable groups. This would be the result of a planning system that is poorly designed to cater for their needs, which restricts councils in setting local policy and where a key stage of the planning process, whereby communities and councils have their say whether development can go ahead and if so, in what form, is to be omitted. Once accepted they must be given effect to by local authorities and Inspectors in order to honour repeated promises given by successive Governments and the considerable work invested in their preparation by residents.

Q13. (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?

Certainly, the use of digital tools and a common analysis sheet would be desirable in speeding up the process of neighbourhood plans but they must not be reduced in scope to just design criteria as the local residents will have a more detailed knowledge and understanding of the local issues, community facilities and requirements.

Q14. 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. While measures to address excessive land-banking are needed we understand that builders are running a business and need some land-banking to function as a commercial entity. The future role of Councils to build more council houses for rent should be a priority. Ways to ensure that development does take place and is completed could include Council Tax

being levied at the rate applicable to occupied houses, on the land in on which development has planning permission but is not being developed, or where a legal commencement has been made but few or no houses are being completed.

Pillar 2: planning for beautiful and sustainable places

Q15. What do you think about new development that has happened recently in your area?

Most new development in rural Warwickshire and Solihull is located in unsustainable areas in the Green Belt, with insufficient affordable housing for local people, insufficient accessible green space and poorly served by primarily public transport, walking and cycling.

Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

While national and local government policies stress the importance of sustainability, when new housing land has to be found, there is little regard given to sustainability in the local plan allocations for new development as the housing targets can override even high performing ecologically important Green Belt sites.

Q17. Do you agree with our proposals for improving the production and use of design guides and codes?

We approve of design codes but these should be at the local level to reflect local vernacular and the character of an area but with say national minimum space and garage standards. If all design codes were standardised, we would see a wave of slum houses being built in the future.

Q18. 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?

Insufficient information is provided to answer this question. We do agree that each authority should have a chief officer for design which used to be the role of the principal architect and the same for chief planning officer for planning (place -making).

Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes.

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

No. A fast track process would not be subject to the level of scrutiny required to fully assess the impacts of a proposal. A 'beautiful' development is not necessarily a sustainable one, and

that should be a minimum requisite (to include zero-carbon, nature-friendly), along with compliance with Local Plan policies, for any 'fast track' process, ideally community led or with community consensus.

Pillar 3: planning for infrastructure and connected places

Q21. When new development happens in your area, what is your priority for what comes with it?

This is a difficult question to answer because it depends upon the scale and location of the development; is it the Green Belt, in a sustainable location, not affecting important landscape/historic settings or have any loss of ecological biodiversity, the level and location of affordable homes. This is too complex, as is planning, to put into simple priorities as all these factors must be duly considered. One with differences which give it a character of its own with few straight lines, a play area away from the houses some greenery, access to a local bus service and a route on foot to the nearest shop.

Q22. (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. Provided that the proposals will not lead to a reduction in the amount of affordable housing developers provide. One contribution per dwelling, payable on the first sale of the dwelling, on which the Council could borrow against from a Central Government fund to provide the necessary infrastructure, would speed the planning process up considerably.

Q22. (b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

The new Infrastructure Levy should be set at an area-specific rate to allow for the difference in house prices between areas.

Q22. (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?

More value. The overall aim should be to secure a greater proportion of the uplift in land value in order to support greater investment in sustainable infrastructure, affordable housing and local community facilities.

Q22. (d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Yes, see answer 22a above.

Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes. It is unfair that development delivered as a result of exercising permitted development rights is able to sidestep local policy requirements, development impacts and community needs for private gain.

Evidence from academics, sector representatives and government-commissioned research highlights the poor planning outcomes of homes delivered through Permitted Development Rights. Shortcomings include poor design; failing to meet basic space standards; poor residential amenity; lack of affordable housing contributions; impact on business; and lack of infrastructure. The best way to ensure the level of scrutiny required to address these unacceptable impacts on our environment, health and wellbeing is to require a planning application and scrap Permitted Development Rights other than for very minor development, as was the case until the past decade.

Q24. (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. We need to plan for the delivery of more affordable homes than we do at present. This requires developers to provide more by way of planning obligations and higher levels of direct public investment. Loopholes whereby developers are able to avoid providing affordable housing or reduce the amount they provide on spurious grounds of 'viability' or as a result of exercising permitted development rights must be closed.

Provision of affordable housing should be made a mandatory requirement that developers and landowners factor in from the outset when devising schemes and remain committed to on delivery. The government should look at increasing overall affordable housing requirements through planning obligations. Therefore, it makes no sense to reduce requirements for small and medium size housebuilders, as government is proposing, except in the short-term because of the Covid virus.

Q24. (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?

Affordable housing should be provided on site, unless a suitable local site can be acquired and developed for such purposes, with the aim of delivering mixed tenure communities where possible.

Q24. (c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

No comment.

Q24. (d) If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

All housing, whether affordable or not, should be of good design and quality.

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Yes.

Q25. (a) If 'yes', should an affordable housing 'ring-fence' be developed?

Yes. An affordable housing ring-fence should be developed to in order to ensure monies received are allocated to delivery of affordable housing.

Q26. 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?

Yes. We are concerned that these reforms, were they to go ahead, would disproportionately affect vulnerable groups. This would be the result of a planning system that is poorly designed to cater for their needs, which restricts councils in setting local policy and where a key stage of the planning process, whereby communities and councils have their say whether development can go ahead and if so, in what form, is to be omitted.

Here are the comments of CPRE Warwickshire on the Consultation Questions asked in Planning for the Future. We fully accept that there is a need to build more houses and sooner, but it must be done in a way that promotes social life, protects the countryside, not destroys it. We fully accept that there is an ongoing dialectic between planners and developers and a dialectic it is, not a war, but it must not be unfairly weighted in favour of the latter. We should like to see a new approach to planning, one which is more considerate to us and our children, to our heritage of fine buildings and the lovely countryside around us. Please make changes that will help us to produce landscapes and townscapes in which people want to live. Planning is for people.

Yours sincerely,

Mrs. Jean Walters BSc (Hons) MRTPI(Rtd)

For & on behalf of CPRE Warwickshire