

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
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29 October 2020

Sent by email to: planningforthefuture@communities.gov.uk

Planning for the Future White Paper (August 2020) consultation response

Dear Madam/Sir,

Thank you for giving the Society of Local Council Clerks the opportunity to comment on this important consultation document.

The Society of Local Council Clerks is the professional body representing town, parish and community council clerks in England and Wales. More than 4,000 local council clerks are in membership serving over 5,000 town and parish councils throughout England and Wales. Influencing, shaping and guiding the planning system is a high priority for many of our members. This issue is, therefore, of special significance and importance to SLCC and its members.

In formulating this response, we have consulted widely with our members. We have also urged them to respond individually to it.

We have concentrated on those questions that are of the greatest relevance and significance to the sector and take each question in turn.

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

Complex, slow and cumbersome.

2(a). Do you get involved with planning decisions in your local area? (yes/no)

Yes.

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]

Online news. It needs to be recognised, however, that greater use of online and web-based services may disadvantage some groups such as those with certain

disabilities and in geographical areas such as rural areas with limited broadband connectivity or speeds.

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]

The design of new homes and places; the environment and affordable.

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

Not sure. While we welcome the proposals to simplify Local Plans, which for many of our members and others are a slow and complex process, we are concerned, and require assurances, that this will not be at the loss of accountability, transparency and local responsiveness.

In particular, we are concerned that some of the proposals, for example, the introduction of growth zones, the removal of the outline planning application stage in certain circumstances and expansion in permitted development rights would erode local decision making, democratic and consultation processes, especially as it would remove the need for planning approval from the local planning authority. As such, the potential impacts, outcomes and benefits of many proposals would not be adequately assessed and communities, including town and parish councils, affected by such development would not have the opportunity to comment and be involved in the decision-making process.

Furthermore, we also have some doubts and concerns about how practical it will be to put land into three categories – growth, renewal and protected. Land uses (both urban and rural) are very diverse and complex. We would stress, and seek assurances, that by seeking to define land in these broad categories it will not be at the expense of local distinctiveness and preferences.

In terms of the designations proposed to be included in the protected zone, we are broadly supportive of the ones identified including Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. We also welcome the recognition that there will be some local discretion to identify others on the basis of national policy.

We would also welcome clarification on whether neighbourhood plans will have the ability to designate land into these three zones. The White Paper appears to contain mixed messages in this respect.

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.]

Not sure. While, in principle, we are supportive of the proposal, we are concerned about the statement in 'where exceptional circumstances necessitate a locally-defined approach'. We consider that this is setting the bar too high to ensure that local planning policies reflect local character and preferences.

We welcome and fully support the recognition and key role for neighbourhood plans in 'producing required design guides and codes' for the sound reasons

stated. As you will be aware, town and parish councils have been, and remain, at the forefront of the neighbourhood plan movement.

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. Out support or not is contingent on what is considered ‘sustainable development’ in the local context.

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

We have no strong views on this question.

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.]

We have no strong views on this question.

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.]

No. It is more nuanced. These two factors alone do not take account of land constraints and economic factors. On affordability, building more new homes in a less affordable area will not necessarily address affordability in that area unless measures are taken to limit the uplift in land value arising from the granting of planning permission.

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 removal of the outline permission process would erode local decision making, democratic and consultation processes, as it would remove the need for formal planning approval from the local planning authority and the processes associated with this.

This would mean that potential impacts, outcomes and benefits would not be adequately assessed and considered by communities, including town and parish councils, affected by such development.

It is often only when firm proposals are presented that the public can truly understand the impacts of proposed development, not through plan making.

They would be denied the opportunity to comment and be involved in the decision-making process in what would often be major, and in some cases, controversial proposals.

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. See response to 9a.

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.]

We have no strong views on this question.

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

In principle, we welcome the objective and intent of making decisions faster and more certain. This, however, is subject to the need to ensure that this is not at the expense of public participation and wider transparency in the planning application process.

Public engagement in the planning making process is essential. The use of land has an effect on the lives of everyone, including applicants and town and parish councils. Development has both positive and negative effects on those involved, and those impacts are only fully understood and considered when the public can participate fully in the planning process. As previously explained, it is often only when proposals are presented through a planning application that the public can truly understand the impacts of proposed development, not through plan making

We would be very concerned about any proposal to remove or reduce community/public participation in the planning application decision making process.

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

Yes, but again it needs to be recognised that greater use of digitised and web-based services may disadvantage some groups such as those with certain disabilities and in geographical areas such as rural areas with limited broadband connectivity or speeds.

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. While we accept and fully support the aim of speeding up the timescales for the production of Local Plans and welcome the introduction of targets, we have serious concerns about the introduction of a statutory timescale without further clarification and detail. It is difficult to see how this can be done by many local planning authorities with the available resources. Moreover, meeting this target should not be at the expense of community involvement and engagement and the ability to tailor local plans to local circumstances and preferences.

Further, Paragraph 2.52 states that a failure to have an up-to-date local plan would risk 'government intervention.' Would this intervention have the same effect on Neighbourhood Plans as the presumption in favour of sustainable development does in an area without a five year housing land supply does currently? i.e. if the Neighbourhood Plan is more than two years old it is disregarded.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

We strongly support the retention of neighbourhood plans in the reformed planning system for the reasons stated. This is fully endorsed and welcomed. Town and parish councils have been at the forefront of the neighbourhood planning process, and fully recognise the benefits they bring to the planning system.

Consideration should also be given to the inclusion of Village Design Statements for those areas where Neighbourhood Plans are not appropriate but properly prepared and formally adopted Village Design Statements might.

We would welcome clarification in some areas in the new zoning system proposed as part of reforms. For example, how would they operate in growth areas, would they be able to change zoning and is the intention that they would be focused towards local design codes?

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?

While we recognise the benefits of wider use of digital tools in neighbourhood planning, care needs to be taken not to overplay their role and significance. It should also be recognised that some neighbourhood plan groups will require support in using digital tools.

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. This is a common source of concern and frustration amongst town and parish councils and others. We fully support actions and policies aimed at addressing this, including the associated issue of land banking.

In terms of additional measures, we advocate that a phased completion system is introduced with penalties for not continuing plans to their completion, to avoid the issue where developers undertake initial commencement works, sometimes merely digging a few holes and leave them, but are deemed to have begun the development in planning terms.

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]

Poorly designed. Much of the development that has taken place has been of indifferent generic design and does not respond to or reflect local character or distinctiveness.

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]

Other. The NPPF definition of sustainable development is broader than the narrow suggestions made in this question. In many areas the rapid rate of new development with lack of social infrastructure, coupled with environmental harm is unsustainable. The balance between economic, social and environmental objectives needs to be addressed, with emphasis on carbon reduction, increased biodiversity and community cohesion. New buildings should be built to a zero-carbon standard so that there is no need for retrofitting.

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. In principle, we support the increased use of design guides and codes, as well as that greater weight should be attached to them in the planning system as a mechanism to improve design and wider place shaping. We especially welcome and support the statement that it is 'essential that they are prepared with effective inputs from the local community considering empirical evidence of what is popular and characteristic in the local area'. This is key to their success. We could see town and parish councils playing a key and pivotal role in their development.

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.]

In principle yes. We welcome clarity on the resource implications, especially at the local authority level. We would like to see a specific and explicit reference to that the new body will support groups (including town and parish councils) preparing neighbourhood plans.

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.]

We have no strong views on this 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. It is difficult to offer an opinion on this without greater detail on how proposals will be assessed and by whom. 'Beauty', for example, is a very subjective concept. We have some concerns over how it will be defined and by whom.

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.]

We have no strong views on this question.

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.]

While we are broadly supportive of this proposal, we are not in a position to say yes (or no) without greater detail about how this will work.

We support the move to a fairer, simpler, more certain and transparent system of planning obligations. For these reasons, we have been broadly supportive of the introduction and expansion of the Community Infrastructure Levy and the associated less reliance on Section 106 agreements. We generally support a tariff based system similar to Community Infrastructure Levy rather than the more cumbersome and less transparent Section 106 agreements. This is our preference. I would stress, however, that we are not in a position to offer a yes or no answer without greater detail about how this will work.

We have some concerns about the statement contained in Paragraph 4.12 that 'In areas where land value uplift is insufficient to support significant levels of land

value capture, some or all of the value generated by the development would be below the threshold, and not subject to the levy'. We would welcome clarification on how these areas will then provide affordable housing and infrastructure?

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]

We have no strong views on this question.

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.]

We have no strong views on this question.

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.]

No. Currently, on-site provision and monetary payments are made either before development commences or as it does so, i.e. it is front-loaded. The suggestion is that payments will be made after units are completed and before they are occupied. We do not support this. Not only will the quantum of monetary payments be unknown until units are complete (as they are based on development value) but they will be paid long after they fall due now. Most local authorities will not want to risk borrowing against unknown income, so effectively all infrastructure will follow development, rather than as development progresses. This may have advantages to developers, but this will outweigh the harm it will cause to communities who will experience delays in the introduction of necessary infrastructure to mitigate the adverse consequences of the development and public confidence in the planning system more generally.

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.]

This is supported. It would increase the base of the levy and capture some forms of major development such as conversions of office blocks to housing which are 'permitted development', which often have a major and negative impact on local infrastructure,

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. There is a compelling need for more affordable housing across the country.

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.]

We have no strong views on this question.

24(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.]

We have no strong views on this question.

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.]

We have no strong views on this question.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.] 25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

We have no strong views on this question.

However, we would like to fully support and endorse the statement that 'the Neighbourhood Share would be kept'. It is right and fair that if a community takes new development, it should benefit from projects and initiatives aimed at easing and supporting the consequences of the development on the local community. Otherwise, this would act as a disincentive for a community to support new development as there is a real risk that the development will worsen the conditions for residents.

We note that you state 'we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement'. If there is any way we can assist in taking this forward we would be pleased to assist.

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?

We would highlight the possibility of age discrimination due to over-reliance on digital and because the First Home option on affordable housing is targeted at the young only.

Proposal 23

While we appreciate that while these do not form part of the formal consultation, we wish to state that we fully support and endorse the provisions contained in Proposal 23 to strengthen enforcement activity. This is an integral, though often neglected, part of the planning system. Effective enforcement is important to a healthy planning system and maintaining public confidence in it.

Thank you again for the opportunity to comment upon this important document. If it would be helpful, SLCC would be pleased to meet with or speak officials to explain in more detail its points and observations over this issue.

Yours sincerely,



Rob Smith
Chief Executive SLCC