

Planning for the Future Consultation  
Ministry of Housing, Communities and Local Government,  
3<sup>rd</sup> Floor, Fry Building,  
2 Marsham Street,  
London SW1P 4DF

October 28<sup>th</sup> 2020

Dear Sir / Madam,

Please find below and attached our responses to the Planning for the Future Consultation.

Our general comments are set out in this letter and comments specific to the questions asked in the consultation are set out in the separate attachment (these are a copy of the comments submitted on-line).

With kind regards,



Ian Green

**Chairman**

## General Comments

Members of Oxford Civic Society have examined and discussed the proposals presented in the Government White Paper published in September 2020, and have reached the conclusions contained in the following paragraphs, under eight headings. These conclusions are summarised in eight 'Key Points' set out as an introduction.

### **Key points:**

- 1. By removing the entitlement of individuals and communities to comment on planning applications, restricting this right only to the preparation of Local Plans, democracy will be eroded, not augmented.**
- 2. The objectives of the planning system should be to produce attractive developments, promote well-being for communities, protect the environment and address critical climate change, as priorities, not to promote speed and tick boxes for housing numbers.**
- 3. We do not believe either that the planning system is the principal cause of a shortfall in housing delivery, or that the proposed changes will, in themselves, materially promote an increase in delivery.**
- 4. The only way the stated objective of 'building beautiful' will to be achieved is by preparation of a plethora of Design Guides and Codes, to reflect the context and circumstances of each development; this will make the preparation of Local Plans more complex, not simpler.**
- 5. More complex Local Plans will necessitate provision of greater time, human and financial resources, which are already inadequate.**
- 6. The adoption of 'PropTech' and electronic media will discourage democratic engagement, rather than the reverse; government has an extremely poor record of introduction of digital systems.**
- 7. Strategic planning across functional regions is ignored and, in fact, impeded by abolition of the duty to cooperate; no recognition is given to the imperative of proper integration of transport planning with development.**
- 8. Whilst simplification of financial contributions by adoption of an Infrastructure Levy is welcome, its effectiveness in promoting the objectives is entirely dependent on the rate at which it is set, but no indication of this is suggested.**

## **Discussion**

### General points

1. We query the true agenda of the Government, or its motivation for pursuing the WP proposals, since it is well established that the existing planning system is NOT a critical constraint on either the quantum or the rate of development.
2. There may be some truth in the criticism of the current system as being bureaucratic and inefficient, since, apparently, over 90% of applications are approved. But simplifying matters to create a 'rubber stamp' process would necessitate establishment of precise templates (design codes) for specific areas. The default of reliance on the National Design Guide would not be acceptable, because of the particular and varied character of localities across the country, and across Local Authority areas.

3. Even if a 'rubber stamp' process, or extension of permitted development rights were implemented, a regime for recording, monitoring and effective enforcement would be essential, with sufficient resources made available.

#### Local Plans

4. The process for designation of areas as 'Growth', 'Renewal' or 'Protected' is not described but is likely to be complex and controversial, not least because large financial gains could accrue to landowners whose property fell into the Growth category. We do not believe that the process will be genuinely simplified (as claimed) unless many of the considerations specific to individual sites currently included in LP policies are omitted from the codes used to test applications' receipt of automatic outline planning permission. (Such simplification would merely reduce the scope for local policy influence). The alternative, to effectively limit the proposed fast-track approvals process to 'Growth' areas would be much less controversial but would mean that the objectives of the planning reform would be much more limited.

#### Democratic engagement

5. Although much is made of the engagement of local communities, the reality is that public involvement would be restricted only to the preparation of the very simplified Local Plan, and any Design Guides or Codes. Since community interest is primarily aroused only when and if very local issues arise, public engagement, i.e. a democratic voice, is likely to be considerably eroded, not enhanced. The proposals remove the power of elected councillors to make decisions on individual planning applications. Neighbours would be denied the right to make meaningful comments or lobby their elected representatives. There is vague mention of neighbourhood forums and community groups, with no detail of how these are to be appointed. Local councillors represent the whole electorate and are answerable to them at the ballot box. To do away with one of their key powers is an attack on local democracy.
6. The references to 'PropTech' as rendering the planning system more accessible as well as accelerating the process of approval are unconvincing; the track record of adoption, especially by government, of electronic and digital solutions is appalling, and where successful has been characterised by years, even decades of development, and massive budget over-runs.

#### Design

7. The notion that beautiful building can be magicked quickly and with local relevance across the country is fanciful. A more realistic objective would be the creation of incentives and guidance to raise the quality of design everywhere, but it must be recognised that adequate time and resources are required to produce locally relevant and locally democratically supported Design Codes and pattern books. Local action on these points will take more time than the WP appears to envisage. The notion of a nationally imposed default Code is destructive of the importance of place and negates any democratic input. There is a serious danger here, too: codes and pattern books can become too prescriptive. The result is to stifle variety and innovation. Without these qualities a creative community and architecture cannot survive.
8. The crucial element in the reasonable functioning of a 'rubber stamp' planning approval process would be the level of detail of Design Guides with which any development proposal would have to conform. It seems likely that such guides would have to be produced on a bespoke basis, for specific areas, such as Neighbourhoods. Whilst this may produce better and more consistent design than is assured by the current system, it would have serious implications for the resources of Local Authorities, or Neighbourhood Forums.
9. The preparation of Design Guides in parallel with the Local Plan, as suggested, would be as complex and time and resource demanding as that for current Local Plans; imposing a 30-month time limit, and making no commitment to funding additional resources is inconsistent with the ideals being promoted.

10. Although there is lip-service paid to 'building beautiful', the only mechanism suggested for delivery is the adherence to Design Guides, or even 'Pattern Books'. The process of designing and constructing beauty in the built environment is highly complex, and definitions of beauty are wide, and time-variable; the absence of reference to architectural involvement is reprehensible. There are many examples of development, such as countless bland housing estates, which follow a 'pattern book' approach but which do not have the elegance or beauty of Bath or Cheltenham, so the proposals are meaningless.
11. The WP is ambiguous in suggesting the degree of control of development in areas designated as Protected; greater clarity is needed to ensure that appropriate protection is, indeed, provided.
12. The WP provides very little confidence that the special situation of Conservation Areas, and particularly Listed Buildings will be recognised and considered appropriately, despite their inclusion under the category of 'Protected Areas'. Buildings which do have historic or architectural merit, or which collectively contribute to a particular character in an area, but which are not listed or otherwise protected receive no recognition at all.

### Housing numbers

13. We welcome the intention to deliver 300,000 homes annually and one million over this Parliament. However, we regret that the Government intend to achieve this by a new nationally determined binding housing requirement that Local Planning Authorities will have to deliver through their Local Plans. This negates any local democratic input over what is often the most important issue in the local planning system. We believe that a faster acting and vigorously driven system of Local Cooperation between neighbouring local authorities could achieve the desired end without removing all semblance of local discretion. National imposition should be reserved as an enforcement mechanism used only after a failure to achieve agreed acceptable figures within a relatively short time determined nationally.
14. The WP seems more obsessed with the notion of fulfilling a national housebuilding target of 300,000 homes per year than in meeting the real accommodation needs of ordinary people, in locations where they are genuinely required, for occupation on terms which are affordable in relation to the incomes available, and are conducive to establishing stable, functional communities.
15. Assessment of housing need is already effectively made by adoption of a Government-imposed formula; a current, parallel consultation "Changes to the current planning system" proposes alteration of the formula, but the "Planning for the future" WP suggests that further alteration is intended; the situation is thus confused.
16. The proposal that assessment of housing need will be made by application of a precise algorithm used nationally is highly undemocratic; its justification could only be that the Government is best placed to assess national economic considerations; if this is true, greater explanation is required.

### Affordable and social housing

17. The algorithms suggested for assessing housing need factor in only underlying population trends, and affordability ratios, and the history thereof. Thus, in areas of expensive housing, the assessed 'need' is dominated by the issue of affordability, yet no realistic mechanism for prioritising delivery of affordable housing is proposed.
18. Research by others has convincingly established that the price of housing is determined by many factors other than simply the planning system, so to ignore factors such as land speculation and hoarding, environmental circumstances and transport infrastructure, and possibilities for provision of genuinely affordable homes by other mechanisms than the planning system, is grossly overly-simplistic, and potentially highly detrimental.

19. We believe that in addition to higher numbers, the housing needs of the people will only be met by providing a greatly increased level of affordable and especially social housing. Any mechanisms to achieve this are unclear in the WP. An obvious method which we commend is to make it easier for local authorities to borrow for and build the council houses locally required.

#### Geographic constraints

20. The WP fails to acknowledge that Local Authority boundaries may not reflect current patterns of economic or social behaviour. It is suggested that the Duty to Cooperate can be abolished because housing need assessment will be centrally imposed, but this will only be effective if assessments take account of capacity limitations and make adjustments to adjacent authority 'needs', or boundaries are adjusted to reflect the reality of functional requirements.

#### Land Value Uplift

21. We welcome the intention to capture for the common good a significantly greater amount of the often hugely increased land value that occurs when planning permissions are obtained. We also welcome that the new Infrastructure Levy is to be a value-based charge, set nationally but collected and spent locally. The proposal that the levy is to be collected on the final value of the development is attractive to builders but may transfer excessive risk to local authorities. The ability proposed for local authorities to be able to borrow against the Infrastructure Levy to support infrastructure delivery may not be sufficient to reduce the risk to acceptable levels for them.

22. The concept of establishing a single tax, an Infrastructure Levy to fund subsidised housing, social and educational infrastructure and mobility infrastructure is sound. But the key issue is the level at which it is set, and this is not dealt with in the WP.

23. The level of Infrastructure Levy is likely to affect not only the provision of infrastructure and housing, but also land values, viability of development and investment decisions. In viability assessment, land value should be determined by residual calculation, not comparables, and should not take priority over policy.

24. Although Local Authorities are promised control of expenditure of Infrastructure Levy, the rate at which it is set is proposed to be determined centrally. It seems questionable that this can be done effectively across the whole range of development values, across the country.

#### References

"Planning for the future" White Paper:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907956/Planning\\_for\\_the\\_Future\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf)

National Design Guide:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843468/National\\_Design\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf)

Civic Voice briefing paper:

[http://www.civicvoice.org.uk/uploads/files/Briefing\\_White\\_Paper\\_CV\\_members\\_briefing.pdf](http://www.civicvoice.org.uk/uploads/files/Briefing_White_Paper_CV_members_briefing.pdf)

Government consultation paper "Changes to the current planning system":

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907215/200805\\_Changes\\_to\\_the\\_current\\_planning\\_system\\_FINAL\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf)