Guildford Society Response to White Paper - Planning for the Future.

The Society is submitting this as its response for comments on the White Paper – Planning for the Future. We have reviewed the proposals and have commented below on the 26 questions posed in the White Paper.

The Society agrees that the current planning system could be improved; as it is difficult to understand and to an extent has been 'captured' by a professional coterie of Planners, Developers, and Lawyers that makes public debate on development difficult.

However, the current system whilst it needs refinement and change has proved effective in managing a very sophisticated set of requirements adequately over many decades. We do believe the objective to improve design is useful.

The changes in the White Paper are major. There is a case to trial the new planning system in a few LPA's to fully understand the Cost of Change and understand if the proposed benefits of the new approach are achieved. This is especially important in an environment of extreme economic uncertainty.

We have the following overall comments:

A) Is the Planning System really the problem?

The fundamental premise of the White Paper that the planning system it restricts housing supply is wrong – 100,000's of consented dwellings are never built.

B) Democratic Accountability

Democratic accountability is talked about in the White Paper but in practical terms ignored. Thus, there is no discussion of the role of Local Government Planning committees, extremely limited time for public consultation on Local Plans etc.

The current Planning System has a history of the 'public voice' being requested at consultations, resulting in hundreds and thousands of written responses. These are made with little impact. Often 'Campaigns' are more successful.

The White Paper is silent on how to improve Public Engagement and Consultation apart from vague ideas on IT support.

C) Sustainability

Planning and the protection of our environment are intrinsically linked. The White Paper is weak on providing clear guidance and targets for environmental issues – it is noticeable the White Paper presents a wish-list but fails to ask consultees any relevant questions!

The White paper is weak on linking development in a sustainable manner to Infrastructure Development. This weakness was highlighted by Transport for the South East recently.

The White Paper is light on details although it does highlight a separate and more detailed consultation might be coming – why this is separate from the White Paper is unclear.

As the MHCLG highlight the Planning for the Future is a "radical reform unlike anything we have seen since the Second World War" to avoid discussing how the new planning system could address matters such as Climate change is very disappointing.

We Agree with the Royal Institute of British Architects when they wrote:

'Perhaps the most glaring omission is the failure to address – or even mention – the declaration of a climate and biodiversity emergency by the government in 2019. The headline target of a 75% reduction in carbon emissions for new homes by 2025 is welcome – however, when it comes to the bigger picture, as it stands we are highly concerned that the White Paper lacks the urgency required in an emergency. The White Paper focuses on new homes, but we will not meet our carbon reduction target by building new homes, and therefore the policy should extend to include a National Retrofit Strategy to sustainability retrofit our existing housing stock.'

D) Focus

The White Paper is silent on how major repurposing and improving existing buildings and permitted development rights are to be managed. It is almost entirely focused on new urban development. Managing the evolution of our existing building stock is important to make the best use of what is built and ensure it is upgraded effectively.

E) Power to the Developer

We agree with the Town and Country Planning Association when it wrote:

'the new system would give developers certainty on land allocation while allowing them to retain the ability to submit applications speculatively, to be determined by national policy, and by local design guides where they exist. The developer's right to appeal against refusal decisions would also be retained. There can be no doubt that in principle this new system, including the parallel extension of permitted development rights, would give maximum benefit to the developer and minimum benefit to communities'

F) Zones, Sites and Codes

The white paper proposes the concept of Zoning where broad planning principles would 'wash over' areas of the local area. This would be supported by Site Specific policies and Design Guides plus ither Supplementary Planning Documents. It is not clear this is a simplification on the current system. A worked example could usefully be produced.

The White Paper commends experience with Zoning and Design Codes from other countries. It is not clear that these are responsible for better planning – some countries have bad examples of zones of urban sprawl etc.

The proposed use of Pattern Books is genuinely concerning as many Developers abetted in some cases by Architects use this process at present – hence the number of very similar estates.

G) Standard Method

The White paper proposes using a standard method to define housing demand. The current proposed algorithm is overly simplistic and has no concept of strategically steering development. Planning for the Future appears to accept that some areas of the country will continue to be overdeveloped compared to other less economically successful areas.

H) IT Support

The White Paper proposes the use of IT as a key enabler. The White Paper is very vague on what practically is proposed.

Many local Authorities have invested in 3D Visualisaion tools, GIS Planning and Mapping Systems. These interchange data via known file types with Architects and Developers. The Greater London Authority is a good example. Government has an indifferent track record on IT, knowledge management, and associated business processes.

Maybe all that is required is to encourage exiting LPA developments?

Response to Specific Questions

Pillar One – Planning for development	
Questions on Pillar 1 Introduction	
1. What three words do you associate most with the planning system in England?	Complex, Democratic, Vital
2(a). Do you get involved with planning decisions in your local area? [Yes / No]	Yes agree, at all stages.
2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]	
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]	Yes. Part of the IT vision can be achieved now e.g. GLA have good Visualisation and Data systems. Communication and Engagement is more complex area where technology may not be the complete answer – do not forget old style events, Models, diagrams etc. E-mail is the preferred option for reception of news.

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 aspects are important we also believe that critical ones that need consideration in addition are: Placemaking, Distinctiveness and Character, Democratic Control
Proposal 1) The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.	
5. Do you agree that Local Plans should be simplified in line with our Proposals? [Yes / No / Not sure. Please provide supporting statement.]	Yes The general principle is fine. As Zoning washes over an area (in a similar manner to Greenbelt) there needs to consideration of the following: • Clear Rules for each Zonal Type • Rules for in-filling need establishing for all Zone Types (note in-filling properly done can supply a considerable volume of housing) • For Local Plan preparation a default Zone which we recommend is Protected should be used as the basis and then explicitly removed through the plan process. • It is unclear how Zoning allows LPA's to demonstrate how they meet housing supply. The only way to do this is by identifying sites. • A number of protected designations (e.g. the Green Belt, AONBs, Conservation Areas, SSIs, Local Wildlife Sites and areas of significant flood risk) are swept into the Protected Zone. This gives no recognition to their distinctiveness or the hierarchy of protection they may require. • Clarity is needed as how zoning handles flood risk in the absence of an opportunity to consider site specific proposals; notably location specific Flood Risk Assessments (FRA) that form a part of development management process.

Proposal 2) Development management policies established at the national scale and an altered role for Local Plans.	
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.	Yes We believe there is scope to have defined Generic elements to plans that can referred to in local planning documents. Local Plans do need to be developed to apply local policies as required to protect local character and natural features. The dovetailing of these with national policies needs to be carefully considered. Local Plans should be required to positively adopt national policies by stating that these apply and detail local exceptions. The crosslinking into local Supplementary Planning Documents E.g. Protected Views, are vital. Local Planning Documents area opportunity to have community engagement on issues such as Views, Infrastructure Provision both social and physical. This is much broader than the proposals that seem to concentrate on scale, density, and height. Local communities are already remote from planning decisions this should not be exacerbated.
Proposal 3) Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness.	
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.]	Yes We are content to see a streamlined process but are concerned that Sustainability Assessment remains. Recently Sustainability Assessments have become a 'box-ticking' exercise and should not be retained in their current form. Sustainability Assessments should revert to their form based on 5 key concepts.
7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?	Duty to cooperate on housing has never worked well. We believe there are a number of issues that do require co-operation e.g. Views, Infrastructure Provision. There could be regional bodies that have a role to play e.g. Regional Transport Bodies, National Park Authorities etc.

Proposal 4) A standard method for establishing housing requirement figures which ensure enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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.	Yes Producing a standard method is a challenge. The current proposed algorithm is too simple. Any calculation needs to be transparent in how it is calculated and there does need to be mechanism to avoid problems due to a 'mutant' algorithm. The current algorithm takes a simplistic view related to housing demand. It needs to factor in: • Changes that might occur with development proposed for growth areas e.g. would the government like to rebalance economic activity from the South East to other areas of the country • Constraints imposed by protected space e.g. National Parks • Constraints imposed by inadequate infrastructure.
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 Housing economics is a complex area and simplistic indicators are not appropriate. Issues that need to be resolved/considered include: High demand in some centres for investment properties that lie empty and skew indicators. Demand for housing can be influenced by HMO activity Local factors e.g. Views can drive up prices but there is no ability to provide more housing. There is a implication that the 'extent of existing urban areas' are fixed?

Proposal 5) Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.	
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 Permitted Development Rights applicability is currently very well defined. Extending it to decisions where judgement is inescapable, such as whether an application does or does not conform to a 'pattern book' design, is unacceptable. Current Local Plans already provide for Site Policies that amount almost to Outline Permission. Automatic approvals for pre-established development types in other areas would be very dangerous. Who will define and establish the types? There needs to be a very clear statement of what an 'outline' application has to contain. The White Paper is unclear as to the expected size of Zones and how different types of zones will interact e.g. Historic Protected areas interact e.g. Views of a historic Cathedral could be impacted by development in a Growth area How environmental impacts will be screened, scoped and assessed for development coming forward in Growth areas is not explained. There needs to be clear statement that environmental protections are the same across all Zonal types. Automatic approval implies that there is no local say by councillors or anyone else.
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 It is unclear that this proposal is any improvement over the existing Development Management Policies approach except it may cover sites not identified in a local plan. The white paper also needs to incorporate Permitted Development rights into the Zoning structure – why this kept separate from the planning document is not clear.

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.]	No Nationally Significant Infrastructure Projects & Development Consent Order routes for large sites / new settlements would limit opportunities for local people and stakeholders to influence the plan/proposals and thus could disfranchise local communities The use of Development Corporation approach with its measure of local accountability seems more suitable and has a proven track record of delivering projects across decades in some cases.

Proposal 6) Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.

10. Do you agree with our Proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]	Yes The ambition to move to a faster and digitally enabled planning system is laudable We seek reassurance that it is it deliverable? Standardising information is a difficult area. There is a danger of another government IT fiasco. The White paper should encourage planning authorities to digitise by outlining capabilities that should be implemented with a set of minimum supporting standards. As Prop-Tech is an immature field differing approaches are required to find the optimal solution. The proposals as presented in Proposal 6 are 'consultant waffle' in the main and not worthy of a government document. Many councils are already adopting IT tools effectively, surely this a area where best practice should be shared. There also needs to be a clear statement on the role of Local Government Planning Committees in decision making processes. It is notable how silent the white paper is on the role of elected representatives in the planning process.

Proposal 7) Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

11. Do you agree with our Proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]	Yes Agree with this proposal, but again is there best practice and Standards that can be shared. (KISS Keep it Simple Stupid – applies)

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Proposal 8) Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.	
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 The timescales are too short particularly for public consultation. There is a gross disparity in the time allowed to LAs and the Inspector (months) compared with that allowed for the public interface (weeks). It should be rebalanced. There also needs to be an ability to publish for consultation the evidence base within Stage 2.
Proposal 9) Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.	
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 There needs to be a definition of the role of a Neighbourhood Plan in the context of the Paper's proposals for precise allocation into three types of land in the Local Plan? The White Paper needs also to consider how Local Amenity Groups are bought into consultations.
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?	Digital tools can help neighbourhoods visualise new developments. How could a Neighbourhood Plan override the national design guidance?
Proposal 10) A stronger emphasis on build-out through 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 Build Out rates are a major issue. Multiple Developers is an option and already happens. The use of a mini-New Towns Development Commission might also be considered as large sites require not just building, but Infrastructure, social facilities, transport services etc. Developers are often not well placed to deliver these vital ancillary developments. The White Paper is silent on the 'Gaming of the System' e.g. Land banking, selling on, etc. The taxations regimes and time for development permissions need review.

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Pillar Two – Planning for beautiful and sustainable places

Questions on Pillar 2 Introduction

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]	Poor Quality with notable exceptions Locally we have some exemplary modern buildings but too often it is of low quality and unimaginative. Government Standards for Space etc in Buildings is low and developers and local planning authorities take this as the base and don't aspire to better layouts. The UK suffers from a lot of pastiche development, and many architects and developers already use pattern books to crank out similar designs everywhere. Little encouragement for new forms of design. The White Paper encourages the use of Pattern books- we believe experience so far is not encouraging – how are the proposals going to make sure Pattern Books don't result in poor quality 'cookie cutter' design?
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]	Environmental Biodiversity/ Less reliance on cars / Energy efficiency of new buildings / More effective buildings with open spaces linked to wider countryside.

Proposal 11) To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.

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. We note the proposal to produce Local Guides and Codes with effective local input. How this effective input is going to be judged is not clarified. There also needs to be role for bodies such as Design Panel, Civic Societies etc in the production of these local artefacts. The National Design Guide needs to have a defined method for change and evolution. There also needs to be a statement that the Design Guide will look to provide the best standards for Environment, Space etc and will consider factors such as home working etc.

Proposal 12) To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.	
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.]	No. The country is made up of a patchwork of distinctive districts. Local Design should be encouraged, and skills implemented at a local and regional level. It is not clear that a national body has any role in this process apart from curating a National Design Guide. LPA's having a chief office for design and place-making is a worthy objective, but the person appointed must be of a sufficient quality and experience – there is a danger this becomes another bureaucratic position.
Proposal 13) To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis on delivering beautiful places.	
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
Proposal 14) We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high-quality development which reflects local character and preferences.	
20. Do you agree with our Proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]	No. We have questioned the approach of using pattern books in a previous answer – they are used often at present with indifferent results. The extension of PDR into his domain could be disastrous. The developer will claim he meets the Code and hence has PDR. No comment on the application would then be accepted.
Proposal 15) We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.	
	Although no question asked surely this area needs to be given real prominence in the NPPF

Proposal 16) We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.	
	Agree
Proposal 17) Conserving and enhancing our historic buildings and areas in the 21st century.	
	No question – the new planning system needs to explicitly protect heritage areas in terms of views and borders to other zones of planning e.g. you wouldn't build a tower block next to Windsor castle
Proposal 18) To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.	
	As no question asked a observation - MHCLG needs to set ambitious national standards that drive innovation, integrate climate targets fully in the new planning system and steer local planning authorities to treat these as a floor and not a ceiling. Design Guides need also to manage the impact of energy technology, PV Cells, Heat Pumps, etc.

Pillar Three – Planning for infrastructure and connected places	
Questions on Pillar 3 Introduction	
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]	More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / Blue Green Infrastructure The priority can be very site specific as regards infrastructure.

Proposal 19) The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

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 An integrated levy with understandable rule is to be supported. At present developers use site specific viability tests to show they cannot supply affordable housing. The proposal seems to propose that viability test arguments will no longer be accepted. They will be replaced by' the value-based minimum threshold'. We would support this, provide a clear transparent methodology for calculating this threshold is published. There needs to be clear agreements as to how the levy is to be collected and how it is to be disbursed. Large Developments need to pay at least part upfront to enable infrastructure and affordable housing?
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]	Locally It is critical local communities can get infrastructure funded but there may need to be limits to ensure affordability. See above comment on threshold.
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.]	More value South East (outside London) is poorly served by Infrastructure development See above comment on threshold.
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.]	Yes There need to be firm limits to ensure an LA cannot go bankrupt.

Proposal 20) The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.	
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
Proposal 21) The reformed Infrastructure Levy should deliver affordable housing provision	
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 The policy should be flexible in that developers may be allowed to nominate another site for affordable development this would apply to smaller sites where we have fractional dwellings under current legislation.
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.]	Not Sure Inclined to think right to purchase by local authorities or housing associations is best option. There is no mention of the distorting effect of the Right to Buy on the planning system which disadvantages the bringing forward of most types of social housing.
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.]	Yes There should be clear be clawback provisions.
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.]	Yes Surely design codes should be built to be neutral about basis standards between affordable and other housing.

Proposal 22) More freedom could be given to local authorities over how they spend the Infrastructure Levy.	
25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]	Yes The spend should be limited in that it cannot be spent on revenue items, it should only support capital spend.
25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.	Yes Affordable housing should be an inescapable obligation
Proposal 23) As we develop our final Proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.	
	Although no question is asked it is to be hoped that the necessary staffing and retaining is properly costed and budgeted for.
Proposal 24) We will seek to strengthen enforcement powers and sanctions.	
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?	

Guildford Society

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