



27 October 2020

By email to: planningforthefuture@communities.gov.uk

Dear Sir / Madam

Planning for the Future white paper consultation

This joint response was prepared by the following housing groups in Essex:

- South Essex Housing Group
- Essex Developers Group

The housing groups form a partnership of all 14 Essex local authorities, Essex County Council, Homes England, SELEP, Developers / Agents and Registered Providers with the mission to improve housing growth in Essex and to support wider housing related services focusing on the private, intermediate and affordable sector. Further information can be found on the Housing Essex website here: <https://www.housingessex.org/>.

The housing groups met in September and October to discuss the White Paper and agreed to prepare a high-level response. Some partners will also be making their own more detailed responses. The high-level response was drafted by the Housing Strategy Coordinator and circulated to the housing groups for comment before being submitted to MHCLG by email. Please note, the above housing groups will be referred to as “the Housing Group” in the consultation.

The Housing Group’s overall position is to welcome the white paper on the planning reforms which aim to provide a "significantly simpler, faster and more predictable process" to the 'local plan' system. The Group looks forward to receiving further details on the reforms to clarify areas of uncertainty and minimise possible unintended consequences of introducing the reforms.

Consultation questions

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

Balanced, sustainable & complicated.

2(a). Do you get involved with planning decisions in your local area?

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 / Newspaper / local exhibitions & engagement events. However, for people who are not able to engage digitally, other mediums including more traditional forms of engagement such as writing / post should be employed.

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

More or better local infrastructure / Increasing the affordability of housing / The design of new homes and places.

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

Yes, but concern remains regarding the process and the potential loss of community engagement particularly on individual planning applications in growth areas.

Greater focus will need to be placed on working with the community at the planning application / construction phase to ensure they don't feel disenfranchised from the process.

The proposed zoning system is not too dissimilar to current plan making. We would welcome the option to include sub areas and widen it to include for example affordable housing.

Issues arise over for example concerning green belt protection - Should green belt be protected with blanket cover as per the white papers, or should there be scope for local green belt review where land is deemed to be low value and not contributing to the original intentions of green belt policy?

Question 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, because it would simplify the system and hopefully speed up decision making. Local plans should still plan for the medium long term and have flexibility to adapt to change through a monitoring and review process. The decision-making process particularly in growth areas needs careful consideration.

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, because it would lead to a more simplified system. However, the removal of Environmental Impact Assessments should not impact adversely on biodiversity and in

particular there should be adequate mitigation, management and enhancement leading to net gain as set out in the Environment Bill.

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

Combined authorities could assist in dealing with strategic cross-boundary issues to some extent, however, more regional / spatial approach to planning both nationally then sub nationally would be welcomed. This should take a medium / long term approach to planning and infrastructure including the delivery of housing, jobs, meeting zero carbon and biodiversity targets.

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

Yes, but it is unclear at present how the constraints are going to be applied. If there is no flexibility on green belt for example, some local authority areas will find it difficult to source sufficient land to meet their housing requirement. The Housing Group believe that green belt should not be referred to as a constraint but as a policy designation, where it should be a choice for local authorities when making their allocations.

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, but affordability in the South East has been worsening which is already ramping up the housing requirement. The proposed new housing numbers for many local authorities will not be deliverable especially given the land constraints mentioned above and past rates of delivery.

Not sure why workplace as opposed to resident based median house price to median earnings ratio are being used. Perhaps it is because the new housing is (in part) being developed for new workers, but existing residents (and their off-spring) and those looking to move within the market area are also important especially as rate payers and voters.

Certainly, having up to date data would ensure that any new housing requirement is responding to the latest position, however, market fluctuations should be factored in and perhaps an average over the last five years could be used?

Questions 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, provided sufficient caveats are in place such as design codes to ensure the development is high quality and sustainable. It remains important that any automatic permission does come at the expense of or a reduction in the amount of truly affordable

homes. It should also only be considered where plans demonstrate a range / mix of housing tenures, quality housing and infrastructure.

We would welcome endorsement of a plan led system, with limited scope only for permissions for schemes that do not meet the plan requirements due to say changing local circumstances.

There should remain the opportunity to deal with reserved matters in order to ensure development is high quality and sustainable.

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

Yes, provided sufficient caveats are in place such as design codes to ensure the development is high quality and sustainable.

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, DCOs could make a big difference to some schemes such as new Garden Communities as long as they are drafted with appropriate LDO-style flexibility. Provided they are carefully worded, DCOs could, in one hit, secure all necessary powers and primary consents for all component parts of the entire scheme – so not just planning permission – and most importantly, do so irrespective of what the local plan may say and as a powerful statutory instrument.

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

Yes, provided there is no adverse effect on quality of development and that planning authorities are properly resourced to provide a digital led service that is fast and responsive to the needs of the community and business alike.

A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Yes, digitalisation of planning is welcomed and overdue in many areas.

However, proper standards need to be in place. There is concern re artificial intelligence (AI).

Artificial intelligence (AI), and machine learning in particular, are significant assets in the decision-making process, but the powerful algorithms are also opaque - a particular issue for the planning system where it is essential to show how decisions are made.

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

Yes, speeding up the plan making process and timescales would be beneficial. However, for plans that do not get approved within the new 30-month period, how will the sanctions be applied, if these are financial will they adversely affect already “cash strapped” local authorities. Allowance should be made where any such delay has been caused by circumstances outside the control of local authorities such as an economic down-turn. Will there be sanction applied to developers if they do not deliver housing numbers within prescribed timescales? Where development constraints exist such as green belt, will this be considered in respect of a LA’s ability to meet its housing need.

For areas designated for growth, land constraints may not always respect natural boundaries for example where land abuts a conservation area or flood risk area. How will this be dealt with? Perhaps by allowing white land to be designated within the growth area.

the white paper also refers to potential options to remove the public examination process - to undertake a process of self-assessment against set criteria and guidance - and the removal of the automatic 'right to be heard'. The concern here is that local communities could end up having less of a say than they do now on individual planning applications, particularly if LPAs classify areas as Growth or Renewal instead of Protected in order to meet housing targets and focus on increasing economic growth.

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

Yes, provided they continue to support the aims and objectives of the local plan. Assuming neighbourhood plans are retained they need to have a role to play, perhaps by influencing design in the local area.

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?

We would welcome the role of neighbourhood planning as a tool for engaging with the community supported by digital tools to assist them in reflecting community preferences on design. However, there is a risk that a pattern book approach to design and coding could limit design flair and innovation.

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, the built-out rates can be low due market saturation. Developers should be encouraged to look at a range of tenures including affordable rent, joint ventures with the public sector and housing associations to deliver housing that meets local need.

15. What do you think about the design of new development that has happened recently in your area?

Mixed, although there are some very good examples of well-designed developments which should be show-cased as exemplary or best practice.

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]

All of the above.

The removal of Environmental Impact Assessments should not impact adversely on biodiversity and in particular adequate mitigation, management and enhancement leading to net gain as set out in the Environment Bill.

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

Yes, provided local design guides and codes can still be used to ensure local character, distinctiveness and vernacular design, including choice of design and materials to avoid a one size fits all scenario.

Concern is raised regarding the timescales for producing master plans and design codes, especially when factoring in community engagement. There is a risk that this might create a straight-jacket for future development should changes be required at a future date. This could limit design outcomes and delivery options going forward.

Issue of who does the master planning – the local authority or the developer. There is a risk that there might be a loss of control should it be left in a single organisation. A joint venture approach might be the best way forward in some cases. Otherwise the delivery of complex schemes could be hindered.

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, perhaps with smaller local authorities sharing the services of a chief officer for design.

We would also see a role for local design codes and guidance to ensure new development don't become too uniform and featureless but embrace local character, design and landscapes features.

It is questionable whether the public sector and development industry have the right skills sets to deliver better quality design and in particular the recommendations of the

Building Better, Building Beautiful Commission? The new body to support design coding and build better places would be welcomed and in particular extra resources for planning departments.

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

Yes, we would support the embedding of greater weighting to design and environmental considerations in the strategic objectives for Homes England. This should be reflected in both their own schemes and through their various grant / loan supported programmes. However, it is important that this does not create another layer of bureaucracy which could potentially slow down delivery.

Question 20. Do you agree with our proposals for implementing a fast-track for beauty?

Yes, provided it does not over simplify the choice of design, leading to a bland / uniform style of development that gets replicated everywhere.

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]

All of the above.

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, provided it delivers, as the Government intends, additional money to support essential infrastructure, delivery of affordable housing, high quality design and other environmental considerations. Money collected should be locally spent. The Housing Group believes that purpose of S106 obligations is not just about money, but ensuring development is high quality / sustainable and delivered / managed on time. The Group remains cautious about removing this as a tool to successful delivery.

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 or an area-specific rate?

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?

Ideally the Levy should capture more value overall to support greater investment in infrastructure, affordable housing and local communities. Otherwise, why change the present system.

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

Concern is raised regarding placing the responsibility for forward funding infrastructure costs on local authorities, when local government is going through critical change and likely to be short of capital in the system. The proposal appears to push all the risk on to local authorities who would need to lend large sums of money to support the infrastructure needs of new development. This will be difficult for local authorities support. Local authorities would therefore seek any such lending to be underwritten by Government.

Question arise concerning how secure will the borrowing be against economic down turn and developments not completing? Who would oversee what local authorities are borrowing is secure and affordable?

From developers' perspective, there is real concern that the infrastructure will not be delivered on time to support delivery. This could jeopardise their development programme.

A possible scenario for areas with low land values, is that there will be little or no collection and for areas with higher land values, the collection rate will be higher to in effect subsidise the areas with low values. This could it adversely affect the spatial distribution of development?

The national levy will replace all multiple charging zones in the local authority area, this is welcomed, provided it covers the cost of all necessary charging.

Concerns is also raised that the levy might not deliver against its stated objectives leaving less funding available for important infrastructure, affordable housing and environmental considerations.

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

Yes, as it would hopefully increase the amount of levy raised for infrastructure, provided appropriate exclusions are applied on smaller development through change of use.

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?

Affordable housing delivery should at the least not drop below present rates. Figures show there has been consistent under-delivery of AH (as measured against local plan targets which are informed by 'needs of the local area') in all areas of Essex over last few years. The exact amount of affordable homes would depend on the affordable needs of the local area. In some locations where there is particularly high demand for affordable housing, the levy would need to secure more money to support this need, unless funding come from alternative sources such as Homes England.

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? [

This is an interesting proposition and could be supported provided the affordable housing is the right type of tenure mix to meet local need and the discount is balanced against cyclical changes in the housing market.

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

Any over payment should go towards additional infrastructure.

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, a suitable mix of affordable housing tenures should be provided to meeting local need as set out local plans and supported by up to date Strategic Housing Market Assessment. Housing needs of vulnerable groups such as older people should also be factored into the affordable housing provision. General needs housing should be "tenure blind" and be of an equal standard to market housing both in design and build.

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

Not sure, certainly if local authorities are responsible for the borrowing and taking on the associated risk there should be flexibility on how the money is spent provided it goes on essential infrastructure to support local delivery. However, developers, engaged on local schemes will also need to have certainty that funding is available to support the timely delivery of these schemes. A joint approach is considered the preferred option, where risk can be shared and certainty maintained.

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

Yes, especially in areas of high demand where evidence supports the needs for this type of intervention.

Question 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?

The white paper does not provide any specific new policies on boosting planning for accessible homes for an ageing population.

Standard method of assessing housing need should include a requirement to set out housing numbers for an ageing population.

Should Government colleagues wish to discuss further the contents of this response with either the Chairs' of the Essex Developers Group or South Essex Housing Group, please do contact us via the Strategy Coordinator – Alastair Pollock by email at apollock@castlepoint.gov.uk or telephone on 01268 882270.

Yours faithfully

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