

Our Ref: P/CGCR

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

29 October 2020

Dear Sirs

PLANNING FOR THE FUTURE - WHITE PAPER CONSULTATION

Woods Hardwick Planning Limited is an independent town planning consultancy practice forming part of the Woods Hardwick Group, a multi-disciplinary practice specialising in the built environment with services covering architecture, engineering, planning and surveying. We act on behalf of clients across the UK, including landowners, land promoters, commercial developers and small, regional and national housebuilders from our offices in Bedford and Birmingham and as a town planning practice, we are day to day users of the town planning system in England. We set out our response to the White Paper by reference to the questions set out and where we have comments to make.

First by way of introduction, we consider that changes to the planning system in England are long overdue, particularly if the nation is to deliver on much-needed housing to tackle the housing crisis with capability to deliver 300,000 new homes annually. The current review of the system provides an opportunity for fundamental reforms which will hopefully provide for more certainty in the planning process and increase the speed of decision making.

We further consider that the opportunity should to be taken to rethink the system's approach to strategic planning. It is clear in our view that the 'Duty to Cooperate' has failed to deliver good planning outcomes and it is right that it should now be replaced. An effective solution to strategic planning is now required which will support the Government's objectives for sustainable growth and which can provide a sustainable framework for distribution of housing numbers and coordination supporting infrastructure.

Pillar One - Planning for Development

Question 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 - We support the objective of simplifying Local Plans, including the use of an interactive web-based map where data and policies are easily accessible. However, we consider that more detail and clarity is required on how the proposed three area categories will work in practice. In particular, we consider that there is the potential for confusion in conflating environmental designations with heritage designations and Green Belt in the Protected Areas. These different designations have different objectives, and protected status maybe too blunt an instrument if it serves to stifle development where it would otherwise be acceptable.



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 / No / Not sure. Please provide supporting statement.]

Yes - We broadly welcome the proposals to streamline the development management content of Local Plans in favour of setting out general development management policies nationally. Too many current Local Plans include repetition of national policy which can make them unnecessarily lengthy and difficult to navigate. However, Local Plans should still be capable of including local development management policies as an exception where local circumstances clearly dictate.

Question 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 - Whilst a simpler test is to be commended in an attempt to streamline the development plan process, we consider that more detail is required on how the test of ‘sustainable development’ will operate in practice. Local Plans will need a clear set of measurable tests or objectives if the process is to remain accountable. It may be that this can be achieved with further detail being added as to how the sustainable development will operate, for instance through Planning Policy Guidance, although the alternative approach to reform of the existing tests as set out may be a more appropriate way forward.

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

We support the removal of the Duty to Cooperate test on the basis that it has never really worked as a method for resolving cross boundary issues. Furthermore, it is only a duty to cooperate, not to agree. We are firmly of the view that the opportunity should now be taken as part of the review of the planning system to reintroduce an appropriate level of strategic planning to set the housing numbers and vision across broad defined areas and agree investment and strategic infrastructure priorities. We are aware of work recently undertaken by Catriona Riddell Associates on Planning Reform and the Role of Strategic Planning, commissioned by the County Councils Network, which looks further into this issue and makes a series of recommendations on how a system of strategic planning across England could potentially operate and consider that this warrants careful consideration.

Strategic planning with appropriate accountability can provide a framework for sustainable growth. As an example, we would point to the Oxford-Cambridge Arc, which is recognised by Government as a strategically important area to stimulate growth in the national interest. However, without a clear strategic plan and economic strategy underpinned by political leadership and key stakeholder buy in, we consider questions will remain on the timescale for delivery on growth and whether the area’s full potential can be realised.

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.]

Not sure - We agree that a standard method for establishing housing requirements should be introduced and that this should be binding on Local Authorities. However, we consider that more detail and clarity is required as to how the figures will be arrived at, taking into account constraints, and the mechanisms for agreeing the final housing numbers. We would recommend that an appropriate level of engagement will be required with authorities together with appropriate scrutiny of the process to ensure that the figures are robust and can be supported at the local level.

We further consider that whilst consideration will need to be given to land constraints, the presence of designated areas should not necessarily be a bar to development. We refer in particular to Green Belt designations, which is a policy tool rather than an environmental designation. Whilst the Green Belt will continue to have a role to play in preventing coalescence between built up areas and with the aim of focusing development on brownfield land in the first instance, we consider that the housing numbers required in the South East of England are unlikely to be able to be accommodated where

they are needed without a review of current Green Belt boundaries and the purpose of including land within it.

In this context, we consider that it will be for central government to specify the housing requirements for an area using the standard method whilst acknowledging that a review of the Green Belt boundary will be required where necessary to at least accommodate some of the housing need. It will then be the responsibility of individual authorities under the new system to review Green Belt boundaries and decide where to release and allocate land suitable for housing to meet the requirement.

In addition to the above, we would recommend that consideration is given to retaining both the 5-year housing land supply target and housing delivery test as a measure of an authority's performance. Removal of the former would mean that it is only after the housing delivery test is undertaken that it is apparent there is a shortfall in supply.

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.]

Yes - These are appropriate indicators to be included in the range of factors. We would also point to the employment densities of areas being an important factor. Invariably areas with high employment densities will have a need for more housing and the sustainable approach would be to reduce travel distances by providing housing within easy reach of employment areas. The Oxford-Cambridge Arc is an example of such an area.

Question 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.]

Not Sure - Whilst we would support the concept of Growth Areas and a faster route to detailed consent, we would recommend that the approval process for reserved matters needs to be thought through in more detail. There is no indication within the White Paper on when Design Codes or Masterplans need to be prepared and what form that should take. These will provide important context for the approval of details and there is no guidance at present on the method or level of engagement required. Furthermore, it is questionable if a Local Plan Inspector will 'sign off' on Growth Areas having the effect of granting outline planning permission without some indication of the form and quantum of development which in itself is a function of the Masterplans.

Question 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.]

Yes - However, we consider it important that the system retains a level of flexibility in the Protected Areas to allow planning applications to come forward for development to be assessed in the way they are now as Protected Areas will continue to require an appropriate level of development to meet local needs.

Question 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.]

Not Sure - The Nationally Significant Infrastructure Projects regime provides for a different system of planning approval guided by National Policy Statements set at the national level with decisions taken by the Secretary of State. Such an approach would require careful consideration having regard to the new system of plan making in designating Growth Areas and could be seen to be taking decision making away from Authorities at the local level. There may also be a certain level of confusion if two alternative systems of approval can be used and the approach would require more clarity and detail as to what would be the basis for deciding which to use.

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



Yes - We welcome these proposals in principle, including the standardisation of technical supporting information and planning statements. However, these new initiatives will require appropriate funding and resources. Where a Council fails to determine a planning application within the statutory time limits, refunding the planning fee could just compound resource problems locally. For the system to operate effectively, there needs to be 'ring fenced' funding and resources. Furthermore, such an approach may just have the effect of encouraging authorities to refuse applications within the statutory time limit when a short extension to the determination period could allow for amendment/resolution of outstanding matters.

A refund of the planning fee may be a more appropriate sanction in the context of a Planning Performance Agreement. In particular, where a developer has agreed to an extended timeframe for the determination of an application and has paid an increased fee to ensure that an enhanced level of service from the Council, then there could be a reasonable expectation that the fee is refunded if commitments are not met.

We agree that an automatic rebate of an applicant's planning fee if they are successful at appeal could help focus a planning committee's attention on the planning merits of a proposal.

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

Yes - We would welcome simpler standard format for Local Plans based on latest digital technology. This should make the system more accessible to the public and help with engagement.

Question 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.]

Yes - We welcome the proposed shortened time frame for the production of Local Plans as well as the proposal for review at least every five years, which will ensure that plans adapt to changing circumstances. However, this is an ambitious target given that many Local Plans can at present take 5 years or more to reach adoption and much will come down to planning departments being appropriately resourced with 'ring fenced' funding.

We also support the principle of the of the 5-stage approach but consider that it is important that the right of objectors to be heard in person is maintained and believe that the system should be able to facilitate this through the use of modern technologies such as video conferencing.

We would object to any proposal to remove the Examination stage entirely in favour of Local Planning Authorities undertaking a process of self-assessment. This would not allow for the level scrutiny required given the importance of development plans to economic, social and environmental well-being of local areas.

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

Not sure - We are supportive of local democracy and the concept of engagement and planning at the local level, but would question what role Neighbourhood Plans have to play in the proposed system. Neighbourhood Plans in the current system can play an important role in the allocation of sites at the local level, however it would appear that this role will be taken away in the proposed new system of Growth, Renewal and Protected Areas. The idea of adapting the concept of Neighbourhood Plans to very small areas would need careful consideration as such an approach could become too prescriptive on forms of development and it raises questions as to how this would align with the proposed zonal approach of the Growth, Renewal and Protected Areas.

Question 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 - We agree that there should be a stronger emphasis on the build out of developments and welcome the requirement for masterplan and design codes for substantial development to include a variety of development types by different builders to allow more phases to come forward together.

We would also support measures to diversify housing delivery by encouraging more involvement of SME builders. We also consider that increased social housing delivery by Local Authorities and their development partners has an important place in speeding up the delivery of housing development to meet housing need. Local authorities are in a position to borrow money at more competitive rates than available in the market and can also potentially forward fund development from the proposed new system of Infrastructure Levy and should be encouraged to do so.

Pillar Two - Planning for Beautiful and Sustainable

Question 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 specific].

Not sure - The simple answer is the quality of design varies widely and this is undoubtedly for a variety of reasons. We welcome the proposal that each authority should have a chief officer for design and place-making which should improve decision making in terms of quality of design but this needs to be supported by a general upskilling with dedicated design staff in local authorities with appropriate funding.

Question 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].

More green and open spaces, more trees and energy efficiency of new buildings. Sustainability needs to be integral to the design of both buildings and places.

Question 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.]

Not sure - Design guides and codes have their place and can be useful tools to encourage better designed and quality development, but there is also a risk that they can stifle innovative design and overly extend the approval process without benefit. Similarly, local input will not guarantee good design and may see a trend for pastiche rather than innovative architecture.

We consider that more detail and clarity is required on how it is proposed to engage with communities on design codes and how they will fit with the new Local Plans system.

Question 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.]

Yes - As with our other responses, the most critical issue is that Local Planning Authorities are properly resourced. Upskilling Planning Departments and ensuring there are suitably qualified officers with the knowledge and understanding of how to secure good design will have the biggest single impact on improving design quality through the planning process. A designated chief officer for design and place-making will ensure that there is accountability at the local level for these objectives. However, implementing such processes needs to come with a clear message that the role of local authorities will be to influence and improve the quality of design and not stifle or prevent development.

Question 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 - If Homes England can deliver exemplar developments, either in isolation, or in partnership with developers and demonstrate this can be viable it would have a beneficial impact in a competitive market. In particular, leading by example in this way should serve to improve the overall quality of developments.

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 - Whilst this could work in principle and we would support proposals for fast tracking decisions, the subjective nature of design and decisions on design could leave it open to criticism.

Pillar Three - Planning for Infrastructure and Connected Places

Question 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 - they are all equally important.

Questions 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 - A simpler and more transparent system to capture uplift in land value is required to enable the delivery of infrastructure to support development. The current CIL Regulations are far too complex. However, there will still be a role for Section 106 obligations in the control of development where appropriate where planning conditions are not sufficient.

Question 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]

Set Locally - A national single rate would be wholly inappropriate as it would not recognise local/regional differences across the country. Rates should be set locally, in a similar way to areas which have different CIL charging rates. Further detail needs to be provided as to how the rates will be set and subject to public scrutiny.

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.]

Yes - This will be important in ensuring that key infrastructure can be delivered in advance of development. However, there will need to be appropriate checks and balances in place to ensure that it is related to the new development coming forward.

Question 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 - Where appropriate. This is already captured in areas where CIL is in place. It is important that the impact of scheme proposals through permitted development is appropriately mitigated so that the infrastructure burden is not only placed on development which is the subject of planning permission.

Questions 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 chronic need for the delivery of affordable housing. It will also be important to secure as much on-site provision as at present to ensure the continued creation of mixed communities, whilst also allowing for flexibility for off-site contributions where on site provision is not practical.

Question 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 - We do not have strong views so long as in-kind payment ensures the same level on-site delivery. However, we would suggest that the current model of private housebuilders working with registered providers would be the most appropriate mechanism for delivery.

Questions 25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

No - The link between where development occurs and where funding for infrastructure is spent needs to be maintained. This will assist in securing public support for development in areas.

We trust our comments are of assistance and look forward to the Government's next stages of reform.

Yours faithfully
for Woods Hardwick Planning Ltd

Russell Gray - Director

Richard Murdock - Director

Paul Woods - Director