



Sandford-on-Thames Parish Council

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Response by Sandford-on-Thames Parish Council to the MHCLG Consultation Paper 'Planning for the Future, August 2020'

General Statement by Sandford-on-Thames Parish Council on these proposals.

At a backbencher debate on the proposals on 8th October in the House of Commons more than 50 MPs, the majority Conservative, debated the new proposals, with only a small handful (3 MPs) showing any support at all for the proposed revisions to planning law. Speakers against the proposals included Theresa May, Jeremy Hunt, Chris Grayling, all of them senior Conservative figures. The single proposal given the most criticism by MPs was the use of an algorithm to generate the 'standard method' which would decide housing numbers across the country.

The 'debate pack', created by the House of Commons Library for the 8th October debate lists no fewer than 28 articles criticising the White Paper and in particular the use of an algorithm for allocating housing numbers.

These proposals seek to overturn planning law refined and developed since 1947, most recently by the Conservatives with a major review of the NPPF in March 2018. At that time Theresa May hoped that the review would improve protection for Green Belt and hasten the build out of permissions already granted.

In 2020 Robert Jenrick MP, Secretary of State for Communities and Local Government, overturned the local planning Authority in South Oxfordshire and demanded that homes were built on Green Belt across the District.

As the Liberal Democrats have recently pointed out, these proposals will disempower councils at all levels.

As recently as the 28th September the PM, Boris Johnson, pledged to protect an additional 4% of land in England to support the recovery of nature. It is difficult to reconcile that action with the 'automatic permitted development rules' generated by these proposals.

It is difficult to accept the vague promises of Green Belt and Green Space protection when the White Paper states:

"... In particular, the methodology does not yet adjust for the land constraints, including Green Belt. We will consider further the options for doing this..."

The extension of Permitted Development rules and the increased power granted to developers is worrying given the poor quality housing generated by Permitted Development thus far. A recent report

found permitted development conversions mostly avoid making any contribution to local areas, fail to meet adequate design standards and often create worse quality residential environments. PD buildings were only recently (2020) REQUIRED to have windows.

Planning must be steered by Local Democracy. The LGA pointed out that ‘...people want their local area to have high-quality affordable homes built in the right places, supported by the right infrastructure, which provides enough schools, promotes greener and more active travel, and tackles climate change. This can only be achieved through a local planning system with public participation at its heart which enables councils to deliver resilient, prosperous places that meet the needs of their communities...’

One of the main reasons cited by the Government as the need for this wholesale destruction of existing planning law and controls is that we need more housing and it has to be built faster. And yet the Government has done nothing to put pressure on developers to build out the 1 million permissions already granted but not yet built by ‘land banking’ developers.

Responses to the Questions in the Consultation Document

Question 1

Q1. What three words do you associate most with the planning system in England?

Q1 Response: Careful
cConsidered
Localism

Question 2

Q2. Do you get involved with planning decisions in your local area?

[Yes / No]

Q2 Response: Yes.

As a Parish council we comment on all consultations as well as Local Planning applications.

Question 3

Q3. 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]

Q3 Response: All of the above plus an easy to use online search and comment system. Why is there no mention of TV / Radio wider press? The document makes no mention of how it will be easier to contribute views on planning decisions, only how it will be easier to access planning information. On both counts it is important not to exclude those who are either unable or unwilling to use digital media.

The community needs reassurance that the local democratic process is not being overridden or interfered with. Direct discussion with local councilors is important in this, so why not include it here?

Question 4

Q4. 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]

Q4 Response: Why only three? Those offered are not mutually exclusive.

If only three are accepted, then: Protection of green spaces / The environment, biodiversity and action on climate change / ~~increasing~~ (sic) improving the affordability of housing.

Question 5

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

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

Q5 Response: No. These proposals are too radical, and the detail given is insufficient to encourage any form of support or even debate. The Government needs to provide far more information for these proposals to be considered.

If any proposal contained in the text was to be pursued it would be the alternative approach given in para 2.12 but even this would need to be provided with much more detail before acceptance can be offered.

The zoning approach is too simplified and would not allow sufficient discretion locally. For example, there is no reference to how 'ordinary' countryside and / or protection of agricultural land should be approached. It is very difficult to predict local needs in ten years but the proposed system requires this. Concepts like 'beauty' are too vague and ill-defined to be imposed by national government.

Question 6

Q6. 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.]

Q6 Response: No

The proposals as they stand read like a Developer's Charter. Whilst this paper makes grandiose claims for community involvement, the detail suggests that plans will be passed or failed by the result of the machine-readable text clearing the filter of an algorithm. The community needs to be able to ensure that Local Plans are just that, local. These proposals will result in developers writing planning applications in a way that complies with National Guidelines, ignores local opposition and satisfies the decision algorithm.

Having an automated system for screening developments (para 2.15) would encourage a robotic tick-box mentality that would produce look-alike development everywhere. There would be no room for a local vernacular, for experimentation or for innovation.

Question 7

Q7(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.]

Q7 Response: No.

As before, the devil is in the detail and this paper provides no detail, and therefore no basis for agreement or otherwise.

Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Q7(b) Response: The formal duty to cooperate remains the best way to handle cross boundary issues. Duty to cooperate' should be retained.

Question 8

Q8(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.]

Q8(a) Response: No.

The standard method, as proposed, has not been fully thought through and exhibits a number of inconsistencies.

Q8(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.]

Q8(b) Response: No. The building of more housing in areas of the highest demand and the highest price promotes the interests of the developers ahead of the residents and would-be residents.

Question 9

Q9(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.]

Q9(a) Response: No

Q9(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.]

Q9(b) Response: No

In the case of Protected areas, the protection is insufficient. A protected area once established should be protected and ALL planning applications for Housing should be rebuffed.

Q9(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.]

Q9(c) Response: Yes

If the Three Zone system is adopted, then new settlements could be brought forward in Growth or Renewal areas. There is no case for such settlements to be brought forward in 'Protected' areas.

Question 10

Q10. Do you agree with our proposals to make decision-making faster and more certain?

Q10 Response: No

They are a hasty response to an agreed problem. They need more thought and consultation before even

considering legislation to support.

Question 11

Q11. Do you agree with our proposals for accessible, web-based Local Plans?

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

Q11 Response: Not sure.

Whilst there are some aspects of the plans that are very positive, they completely ignore the fact that under this new system, once the original consultation has occurred on a Local Plan, the local community is powerless to influence planning decisions. The rush to offer ONLY a digitized, web-based plan will inevitably leave behind some members of the community that are unable to use IT or are uncomfortable with it, even to the extent of not having a smart phone, tablet or laptop, making engaging with these members of the community problematical with the proposed solutions.

Question 12

Q12. 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.]

Q12 Response: No.

It is difficult to even contemplate agreeing to this part of the process when the response to a plan would be subject to a word limit (para 2.48). The threat of Government intervention at para 2.52 is made more difficult to comprehend when it talks of cooperation across boundaries when the duty to cooperate is under threat (para 2.19), Why the confusion?

And the proposals at para 2.53 ("*the automatic right to be heard' could be removed at the discretion of the Inspector*") are so anti-democratic it is difficult to comprehend how they could be put forward for consultation or consideration.

Question 13

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

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

Q 13(a) Response: Yes

It is difficult to reconcile the statement in para 2.56, where it is suggested that neighbourhood plans could be extended to small areas such as individual streets, when almost all planning decisions will be made centrally by Government following the ONLY consultation in the whole Local Plan process. Neighbourhood Plans should only be retained if they genuinely have the power to influence what the plan process has to offer a community.

Q13(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?

Q 13(b) Response: The tools are much less important than ensuring community involvement and garnering community trust. The Neighbourhood plan can be developed with local design/style workshops to create a consensus on suitable design.

Question 14

Q14. 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.]

Q 14 Response: Yes.

During the back-bencher debate in the house on 8th October the need to ensure build out of permissions was a recurring and cross-party theme. Almost one million permissions are in place but not being built out. This 'land bank with planning permission' is an action by developers to maximise their profit. Once permission is in place the land is retained, not built out, until the marketplace offers the price point that satisfies the developer. It is for this reason that simply asking developers to build more housing will not work.

Urgent action is needed to remedy this situation. Suggestions were made by MPs to include an exorbitant level of housing / council tax to be applied to these unbuilt plots. It may be as simple as having planning permission lapse if not built out before, say, 18 months have elapsed.

Question 15

Q15. 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]

Q15 Response: How is this relevant? If the new proposals result in better design, then an opinion on what has gone before is irrelevant. The large developers all use a standard style book only slightly influenced by local vernacular. The result is, at best, mediocre.

A design guide or style book will stultify design, exclude innovation and lead to 'same again' design. More thought is needed on this before going ahead with current 'build beautiful' plans.

Question 16

Q16. 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]

Q16 Response: All of the above

Question 17

Q17. 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.]

Q17 Response: No

The proposals lack clarity, especially in the role of the community in writing / influencing these design codes. There is no mention of the advantages of modular construction or of self-build here. Both can make the setting of place more community inclusive.

Question 18

Q18. 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.]

Q18 Response: Not sure.

It may be that the best way forward is to review the existing practices, refine and improve the existing systems. The main thing is to have the design and the place making taken out of developer control. Only by doing this will the wishes of the community and the expectations of the residents be met.

Question 19

Q19. 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.]

Q19 Response: Yes, we agree that you should consider how to interact with Homes England. Of the questions asked so far in this White Paper this is perhaps the most facile. That design, particularly good design, should be central to Homes England is a given.

Question 20

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

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

Q20 Response: No.

There are various aspects of this proposal that cause concern. At para 3.18 the document states that “a site specific code is agreed as a condition of permission in principle”. Agreed by whom? It is not clear if this code is generated centrally, by the LPA or by Neighbourhood Plans. Later it states that for sites coming forward in the near future “more developed masterplans or codes prepared by the local planning authority or site promoter will provide greater certainty”.

The author of the paper cannot seriously be thinking that site promoters can become both hunter and gamekeeper? The Local Planning Authority, acting on behalf of the community MUST remain the authority approving such codes, especially if submitted by developers. It is good to see that at para 3.19 there is a nod to modular/factory built housing albeit based upon what we assume the author means as being ‘gentle densification’ by adding to existing housing stock.

Question 21

Q21. 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]

Q21 Response: All of the above, particularly improved infrastructure and more affordable housing.

Question 22

Q22(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.]

Q 22(a) Response: Not Sure

The idea of a fixed levy is attractive and the problems of S106 negotiations, with the ensuing lack of clarity and scrutiny are well known. However, this proposal appears to shift the balance of risk from the developer to the local authority, with the viability exemptions and payment on completion. So, whilst in principle a fixed levy appears attractive, more detail is needed.

Q22(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]

Q22(b) Response: These should be set locally, and the formula should be clearly known and understood by the community and the developers, including SME builders.

Q22(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.]

Q22(c) Response: More value

Because of the difficulties with S106, developers have not been contributing sufficiently to the infrastructure needs generated by large and medium scale developments. It is time to redress this.

Q22(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.]

Q22(d) Response: Yes, but the local authority would need certainty that the expected CIL income would be forthcoming from developers.

Question 23

Q23. 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.]

Q23 Response: Yes

Question 24

Q24(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.]

Q24(a) Response: Yes

Q24(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.]

Q24(b) Response: Not sure

As with many of the proposals it is difficult to give an answer when more detail is needed to take a considered view.

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.]

24(c) Response: Not sure.

Q24(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.]

Q24(d) Not sure.

Question 25

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

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

Q25 Response: Yes, local Authorities, possibly in conjunction with Neighbourhood Plans groups, are best placed to understand the local priorities.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

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

Q25(a) Response: Not Sure

This is certainly an idea worth considering as affordable housing is one of the infrastructure priorities of development funding.

Question 26

Q26. 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?

Q26 Response: No

Hilda Bailey
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