Planning for the Future: public consultation by DHCLG
ECS Response to Questions Posed

Pillar 1- Planning for development

Q1. What three words do you associate most with the planning system in England?
A1. Misdirected; undemocratic; unprincipled

Q2(a). Do you get involved with planning decisions in your local area? [Yes / No]
A2(a). Yes

Q2(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]

A2(b). n/a

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]
A3. Other: direct notification to interested parties, enhanced resident notification and open public consultation.

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]
A4. More or better local infrastructure / Protection of existing heritage buildings or areas / Other: all of the options are important for sustainable development

A NEW APPROACH TO PLAN-MAKING

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.
Q5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / No / Not sure. Please provide supporting statement.]
A5. No. Giving automatic permission in both Growth and Renewal areas is a passport to uncontrolled development, and should be strenuously resisted. Any new system should not remove responsibility and accountability from local planners in favour of pre-determined, unfettered development. Every application should be subject to consideration on its merits, rather than government by algorithm. (Computer says 'yes'.) Existing plans have to reconcile conflicting demands from stakeholders, and the checks and balances in the existing system should not be removed. Local plans make a good job of balancing the needs of various stakeholders and any simplification will make this ineffective.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

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.]
A6. No. The proposal runs counter to localism policies. The option to allow local authorities to set development policies as under the present system is preferred, with a new discretion to maintain and preserve local character. General policies developed centrally could not possibly meet the varied needs of for example, the shires and inner London boroughs.

Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness.

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.]

A7a. Not sure. Any single sustainable development test would have to be robust and sufficiently comprehensive to avoid losing essential elements now covered by NPPF para 35. The risk is that it would replace specific requirements with a vague generalisation and introduce a lack of clarity.

Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?
A7b. The existing Duty to Co-operate should not be removed, but strengthened by the introduction of time limits.

Proposal 4: A standard method for establishing housing requirement figures which ensures 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.

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.]
A8(a). No. Individual boroughs should be able to set their own housing targets; removing this ability appears to be a further weakening of the principles of localism, with over-centralisation of power and no local accountability. Where some moderate densification may be desirable or necessary, it should not be at the cost of allowing development where access to adequate green and open spaces is already restricted. The introduction of consistent rules for safeguarding protected land would be welcome, and should include MOL as well as Green Belt.

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.]
A8 (b). No. This approach would allow those LPAs wishing to maintain the character of their area to be overridden with proposals based on imposed quotas.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

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.

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.]
A9(a). No. The proposals for conferring automatic outline planning permission (para 2.31) are too broad. They could result in LPAs being encouraged to specify detailed restrictions on options for Growth areas in the local plan, to avoid unfettered and undesirable development receiving automatic approval, or being obliged to spend more time on detail at the outline permission stage.

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.]
A9(b). No for Renewal areas; yes for Protected areas, provided that current levels of protection are at least maintained and ideally strengthened particularly for Conservation Areas.

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.]
A9(c). No. While this is unlikely to be relevant to our area, the proposed total loss of local scrutiny and control is unacceptable. Any move to remove major development from the local planning system will have unintended consequences and be anti-democratic.

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

Q10. Do you agree with our proposals to make decision-making faster and more certain?
A10. No. While it may appear to speed up decision making, taking away accountability will remove democratic input and lead to poorer and developer-biased decisions. Local interests will be forced to seek other means of redress on contentious proposals, creating their own legal or other delays. Decision-making timescales are already in place, but need to be adhered to as they are often not at present.

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

Q11. Do you agree with our proposals for accessible, web-based Local Plans?
[Yes / No / Not sure. Please provide supporting statement.]
A11. Not sure. This appears to be a presentational issue, not a planning policy matter. While we would support the increased use of technology and improved functionality, any attempt to impose a single national software system must be avoided. Wider public access to detail is to be strongly encouraged, but not if this would demand a high level of technical capability – the views of older members of the community, who may be less confident with technology, should be respected too. Conventional paper-based documentation must also be readily available.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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.

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.]
A12. Not sure. Any speeding up must be desirable, but not at the expense of quality and with the centralisation of responsibility; the present level of resources in many LPA planning departments is currently clearly inadequate. We would also strongly oppose the removal or weakening of public examination.

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

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?
[Yes / No / Not sure. Please provide supporting statement.]
A13(a). Yes. Changes should not be introduced which would reduce neighbourhood plans to commentary on minor issues, and procedures should strengthen the requirement for full consideration of NP policies at pre-planning stages. Changes are also needed to the neighbourhood planning process, particularly to address local voluntary resource constraints and lack of expertise and to rebalance the undue influence that LPAs currently have to override local wishes.

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?
A13(b). As Q11, use of digital tools is an issue of resources and skills as well as communications, which has to be resolved**.** Neighbourhood forums also need to be engaged in the preparation of design codes and participation in panels. As Q13(a), the imbalance that exists allowing the undue influence that LPAs have to override local wishes should be redressed. We also question whether planning at such a micro-level as an individual street would be appropriate.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

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.]
A14. Yes. We would support encouragement to developers to 'get on with' build-out; on large sites, parallel development could play a part. Low market absorption, as mentioned in 2.58, implies a poor match of supply to demand, particularly where local needs of larger families are not being met, because of a preponderance of smaller, theoretically more profitable one or two bed units. To encourage build-out of consented sites, consideration should be given to a limit on new consents granted to individual developers.

Pillar 2 - Planning for beautiful and sustainable places

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]
A15. Ugly and/or poorly-designed.
Although there is a mix of good and bad, the well-designed developments are almost all small scale whereas the large scale and therefore far more significant in our area are almost all very poor, being over-large, overbearing, monolithic, repetitive, under-articulated, insensitive, out of scale and contextually inappropriate. There are some exceptions (e.g. Acton Gardens development, Chapter House, Savoy Circus student accommodation [London W3/W12 respectively]) but generally the quality of design is inversely proportional to its scale.

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]

A16. Other – addressing climate change.
The over-arching priority should be to address climate change, which specifically means reducing carbon emissions resulting from a development. This includes less reliance on cars and energy efficiency (although this is not a planning issue) but also embodied carbon, life span and, most relevant in planning terms, height. Excessive building height is highly unsustainable due to the energy requirements of lifts and water supply and the high embodied energy of the additional structure.
Another factor is flood risk and the impact of additional development on drainage.

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.

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.]

A17. Not sure.
The use of design guides would be welcomed but only where it can be demonstrated that these have popular support and are the result of public input and are not merely the views of self-appointed design gurus and fashionable architects.
In addition, if they are used, they should be properly enforced, both in terms of being actively applied and not watered down after planning consent has been granted.

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.

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.]

A18. Not sure.
If there is a local design guide in place design officers would not be required. There would be a risk that they would have too much scope to follow their own or fashionable ideas about what constitutes good design and over-ride the design guide and popular opinion.
Also it would need to be funded and this is a role that should already be undertaken in part by conservation officers, whose roles should be reinforced and properly funded.
In areas with an architectural heritage such as Ealing, where the conservation officer was paid off in 2018, conservation officers should be first priority and it should be made obligatory for all LPAs to have a minimum provision. They could potentially then take on responsibility for the design guide.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

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.]

A19. Not sure.
We are happy if more emphasis is placed on design and place-making by Homes England but only if this is constrained by popularly approved design guides and results in more contextual, varied and vernacular designs and not the imposition of faddish architectural 'ideas' masquerading as 'design'.

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.

Q20. Do you agree with our proposals for implementing a fast-track for beauty?
[Yes / No / Not sure. Please provide supporting statement.]

A20. No.

The other very important planning considerations about the impact and suitability of development should remain an absolute priority and any attempt to side step them by a fast-track process, for whatever reason, would be completely counter-productive.
However site-specific design guides for large developments that can be scrutinised and approved in advance sound like a good idea.

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.

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.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

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.

Comment: We note that there is no question relating to proposals to scrap EIAs. We would oppose this; there is no reason to scrap the EIA: it currently performs a very important role and should be strengthened not diminished. At present LPAs have the ability to deem one unnecessary even for very large and demonstrably harmful applications – a practice commonly followed in LB Ealing. There should be a threshold at which they become compulsory and this should be non-negotiable. Anything that removes or reduces environmental and ecological protections is harmful and anti-democratic.
Similarly it should be mandatory to follow Environmental Agency position on flood risk.
Bio-diversity action plans should be strengthened and incorporated in a Local Design Guide – designing for nature needs to be a component of all large scale developments, wherever they are.

Pillar 3 - Planning for infrastructure and connected places

Comment: This section contrasts the uncertainty of s.106 contributions with the inflexibility of CIL. In LB Ealing there is MCIL2 but no local CIL.

Q21. When new development happens in your area, what is your priority for what comes with it?
A21. These are all equally important to the ECS as they represent a planning balance to be achieved in the pursuit of sustainable development.

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?
A22(a). No. The benefit of having developer contracts that are negotiated on a site-by-site basis is that they can respond to the individual needs of that site. E.g. if the development is likely to place pressure on local schools then a greater education contribution can be sought. Paragraph 4.26 picks up on this flaw but just allows for a 25% Neighbourhood Share. By their very nature, the s.106 Neighbourhood Share can be higher, though there is presently no obligation on the LPA to take the views of the local community into account.
The stated problem, that the ability to negotiate is variable between LPAs, is not solved by centralising rates and abolishing the negotiated element entirely. Surely a better solution would be to endeavour to strengthen the negotiating position of LPAs, and in turn require LPAs to consult with the local community, particularly where neighbourhood plans exist.
This would essentially leave LPAs with a gutted planning function, especially when viewed in the context of the rest of the White Paper.
Also, bearing in mind that s.106 agreements currently supply circa. 50% of all affordable housing, it is very risky to add those funds to a general pot which needs to fund many different types of 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.

Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?
A22(b). Community Infrastructure Levy (CIL) should continue to be set locally to enable LPAs to best respond to local needs and contexts.

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?
A22(c) The negotiating position of LPAs would benefit from being strengthened, through CIL and s.106 Agreements, in order to capture greater value from development.

Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?
A23(d). Yes.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
A23. We agree with Proposal 20 that CIL should be extended to capture changes of use and other PD applications.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

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?
A24(a). It is not accurate to say that discounting onsite affordable housing delivery from the final infrastructure levy liability would incentivise developers to provide affordable housing on site (para.4.22). In fact the opposite is true. It is easier and neater for large scale developers to deliver a

cash in lieu payment than provide affordable housing on site. This contribution is often not efficiently spent by LPAs who have a lack of land to build on and overall it contributes to gentrification and fails to achieve mixed and balanced communities.

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?
A24(b). Neither. The methods by which affordable housing is delivered within boroughs does need to change but they should be made more robust rather than weakened as these proposals do. Paragraph 4.22 states that in kind delivery on site would be mandatory 'where an authority has a requirement, capability and wishes to do so'. This tripartite test is far too weak. Affordable housing should continue to be provided as a mandatory proportion of new housing development whilst the methods by which developers can reduce the proportion (e.g. viability studies) should be further regulated.

Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?
A24(c). n/a. See the above answers.

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?
A24(d). See above answer.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
A25. LPAs should continue to be obliged to spend monies from CIL on local infrastructure projects and monies from s.106 agreements on infrastructure and housing that is related to the development to which to contract relates, and in particular to give full and proper regard to the views of the local community.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?
A25(a). We agree that if this system is to go ahead, affordable housing funds should certainly be ring fenced.

Delivering change

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. In doing so, we propose this strategy will be developed including the following key elements:

Proposal 24: We will seek to strengthen enforcement powers and sanctions

We note that much of this section is aspirational and does not consider the practicalities of what is being suggested. Further work is needed.

What happens next

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?
A26. As the White Paper points out in paragraph 6.5, "the combination of technical jargon and traditional models of community engagement discourages people from having their say on decisions. At the same time, it disproportionately encourages engagement from people from a narrow set of demographic groups – typically older, better off and white." As they stand, the proposals do not demonstrate sufficiently how a wider demographic would become involved. For instance, there is no information about how people with protected characteristics will be encouraged to engage with the digital media described. On the contrary, a greater emphasis on internet-based engagement may serve to disenfranchise existing participants. Significant funding would need to be made available in order to fully involve those in the population with protected characteristics.