

## **Planning for the Future: Consultation Response**

**Lee Rowley MP**

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I write in response to the “Planning for the Future” consultation currently underway by the Ministry of Housing, Communities and Local Government. Having reviewed the consultation document, I have a number of comments that I would like to raise for consideration.

I absolutely agree that the current planning system is not fit for purpose and ripe for reform. Whilst it is certainly true that many of the problems within the current system stem from poor local management of a complex system, it is also the case that that broader national framework also has caused challenges, too. I agree, therefore, that it is appropriate to review the national framework to see if it can be improved. And, whilst I accept that the system will never be perfect, the current challenging mix of poor decisions, inappropriate development and widespread cynicism is one which needs attention. That the Government is seeking to re-imagine the system is a step forward and I welcome, in principle, attempts to improve it.

That said, the devil in the planning system is often in the detail, and it is vital that any changes to national frameworks are fully thought through. Additionally, any amendments must be made within a wider context which ensures appropriate and substantial weighting is given to local decision-making (even when that decision-making does not always align, or operate at the preferred speed, of those who set policy nationally). The Government is doing the right thing in trying to re-imagine the system and starting from discussion of principles – however, inevitably, the challenge will not primarily be in establishing those principles but in the detail around their implementation. These details will be for further rounds of consultation and, subject to the structure of that detail, may change the calculus quite significantly. For now, however, I can only comment on the basic propositions as laid out by MHCLG whilst reserving the right to review these once again, given the detail which will need to come forward at a future date, if some of these ideas are to be taken forward properly.

My interest in planning starts from the (largely bad) experiences that we have had in North East Derbyshire over the last decade. North East Derbyshire constituency surrounds Chesterfield to the north, south and west, and lays just south of Sheffield and east of the Peak District National Park. A substantial proportion of the constituency (just under 40%) is Green Belt, which primarily performs a longstanding strategic function to prevent urban sprawl from Sheffield eroding the strategic gap separating some of the District’s northern towns from Sheffield and one another. That Green Belt is of vital importance to local residents.

My constituency has suffered from serious and significant planning issues, primarily because of the failure of the previous District Council (who cover most of the constituency) to put in place a workable and protective local plan for many years, which has resulted in over 1,000 homes being built speculatively. Whilst this is now in the process of being rectified by a new Council who were elected to fix the problem in 2019, it has left a residue of issues, difficulties and hard choices which we will be grappling with for a number of years yet.

As a result of this long-standing failure to get an appropriate local plan in place, planning has been one of the most challenging and recurring issues within the constituency since I was elected in 2017.

Local residents are understandably frustrated by speculative development, over-building and the lack of strategy shown by the previous Council leadership. At the same time, local residents have seen the natural limitations of national approaches, too. Attempts to find national answers, particularly on housebuilding, are attempts to answer questions and influence markets which are, ultimately, largely regional. The challenge in Derbyshire is extremely different from the challenge in Dalston – and the planning process needs to recognise that. Affordability ratios may have risen in general across the country in the last decades but the real spikes, and the real issues with affordability, are in certain parts of the UK. Careful consideration must be given to districts such as North East Derbyshire to ensure that the fixing of an issue in one part of the country does not create new issues elsewhere.

Based on the above, I hope we can provide some insight into the views of an area that has experienced first-hand some of the shortcomings of the current system – and simply want a stable, fair and proportionate approach to planning and housebuilding.

Regarding each of the pillars of the proposal:

#### **Pillar One Proposals - Planning for development**

I strongly agree with a number of the sentiments that the Government has put forward in this section; local plans do indeed take too long, the evidence base is too complicated and confusing, there is a need to re-invent community engagement and there is also a requirement, for the benefit of everyone, to set clear expectations about where development should and should not happen. All of those are sensible aspirations and ones I would welcome the Government making progress on. The devil, as ever, will be in the detail.

I am broadly supportive of the desire to digitise the process, to support the greater use of mapping and to improve standardisation – these all seem like sensible proposals in outline.

I do have specific comments on the following issues:

#### *Zoning*

The Government is proposing the introduction of zoning to try to bring greater simplicity to the process. This is a significant change to the existing system and, whilst I welcome the principle of simplification within a system that is much too complicated, there is a potential for significant issues if the specifics, and their interaction with other elements of the planning system, are not fully considered. Whilst I realise that these proposals are high-level and conceptual, to really understand the implications of what this would mean we need a clearer steer on the likely rules governing zoning so that we can understand the potential gains and pitfalls of the approach. The following questions really need to be answered before we can draw a clear conclusion:

- How small and specific can each zone be? What will be the average or ‘ideal’ size?
- What limitations will there be on allocating zones as ‘Protected’?
- How will the housing requirement influence zoning decisions?
- How would a zoning system interact with settlement development limits?
- Would zoning supplement the usual allocation of sites for larger scale development, or replace this allocation process?

Until the questions above are answered, it is difficult to discuss zoning in anything other than outline. Given the profound potential implications for the planning system, more detail is required on this issue and more comfort to ensure that zoning has a meaningful ability to protect properly. If zones do not offer actual protection where houses shouldn't be built (separate from whatever they do to promote building where they should), then there will be little real term benefit to this innovation for the residents who live in or near those zones.

#### *Local Plans*

Regarding local plans, I am supportive of the need to reduce the often-extensive evidence base which is currently required for their creation – for apparently little purpose – and which often slows down the adoption of such documents. In recent years an industry has been created for planning consultants and local authorities to create an ever-growing suite of documents which make the overall planning system opaque, complicated and difficult to navigate. Many of those documents are not actually there to try to spell out practical policies or provide clarity for those within the system but, instead, to provide sufficient cover in case of judicial review or as a second line of defence for discussions in front of the Planning Inspector. The system spends more time trying to second guess itself – and towards giving the actors within it sufficient flexibility within a mountain of flexible phrases and multiplicity of ever-changing documents – that it becomes a massive barrier for those who wish to interact with it. The Government is right to review this.

Yet, if simplifying and removing the need for an evidence base is to be pursued as the consultation document suggests, there would need to be clear legislation and guidance put in place to ensure that there wasn't 'creep' in future years where, as a result of legal challenges and Inspectors' decisions, the old evidence base creation process returns by default. Similarly, there is also the conceptual question of how, if local evidence bases aren't prepared, local needs and circumstances can be considered within the planning process which will necessarily otherwise become more nationalised and generic as a consequence. I applaud the Government in that it is trying to rebalance the system away from the complexity of today but clarity on this point will be absolutely vital before those of us who have long experience of planning issues in our locality can be comfortable. A negative reduction in local focus should not be the result of a positive reduction in documentation.

#### *Sustainable development and duty to cooperate*

The Government's intention to replace the definition of "soundness" is potential a step forward (particularly given how rigidly this definition was used, to the detriment of local areas, by Inspectors who have not shown flexibility in the past). Again, however, we would need to see the precise detail of the definition of "sustainable development" to ensure that the same problems didn't arise as today under the guise of a different definition and, secondarily, to have comfort that there was sufficient flexibility in its application to reflect the needs of specific areas. In the National Planning Policy Framework, sustainable development is split into three parts - an economic objective, a social objective and an environmental objective. To properly judge the impact of a new single statutory sustainable development test we need to know whether a statutory sustainability test will require only a net gain for each aspect of sustainability, or whether each aspect of sustainability must be maximised. If it is the latter, then clear guidance would need to be provided on which of economic, social or environmental sustainability should take precedence when there are inevitably trade-offs between them.

I am strongly in favour of the removal of the duty to cooperate so long as housing targets accurately reflect the local housing circumstances, the local market, have a recognition that local areas must have an input in these numbers and take account of physical, geographical or planning constraints (such as Green Belt).

#### *Standard national methodology for housebuilding*

The pillar also proposes that a binding standard housing requirement is provided to local authorities. I have responded to the consultation on changing the standard method for housing need separately, and so I won't repeat my comments here with the exception of once again outlining my concern about taking power away from local communities. Whilst I understand the Government's challenge here, a national standard method cannot account for local circumstances and it would be more beneficial, in my view, to seek alternative local solutions to this matter.

I do have some additional comments which are specific to the proposal to make a standard method for establishing housing requirement figures mandatory. Firstly, the proposal appears to indicate that a housing requirement figure will differ from the housing need figure in that a housing requirement will factor in land constraints, whereas the housing need figures as discussed in the other consultation failed to do this. I am very strongly in favour of factoring in land constraints when determining a housing requirement figure, however, I have seen no detail on how this will be done. The standard method for housing need makes no mention of it, and Planning for the Future does not provide any detail either. North East Derbyshire is 38% Green Belt and so this detail is perhaps the single most important part of this consultation for our district. Whether a national or local process is eventually agreed for determining need (and my preference remains for local), the detail of that process needs to explicitly acknowledge local constraints and needs to commensurately reduce the amount of houses being proposed to reflect those constraints. It should also be the case that open countryside, and the need to not continually build on green field, should be acknowledged within this process too.

#### *Planning permissions and the planning processes*

Based on the information provided, I am unsure as to how the consultation proposes to both speed up local plan creation processes whilst embedding greater decision-making powers within those processes.

I absolutely acknowledge that the current system is not fit for purpose and it is a continual frustration for many residents, particularly on sites named in the local plan, when they believe that a formal planning application (outline or full) is the place to debate the principle of development and yet that principle has, at least in part, been ceded in an earlier and much more complicated local plan consultation. This breeds cynicism and contempt for the overall process. The Government is right to see how this can be streamlined so long as it guarantees real input for residents and gives sufficient time for that to happen. Much more detail is needed, however, on how the twin ambitions to speed up local plan making and incorporating outline permissions will work in practice and I am sceptical as to whether these two can be reconciled in the way that the consultation suggests at this stage. It should not be the case that meaningful resident engagement is lost as part of any new process.

#### *Neighbourhood Plans*

I welcome the strong statement in the consultation document that Neighbourhood Plans are an important means of community input, particularly given the stronger democratic legitimacy that they have derived from the process of their adoption.

However, I think the consultation is, so far, a missed opportunity to properly embed the importance of Neighbourhood Plans within the planning system. There remains a lack of clarity around the importance of Neighbourhood Plans in law, particularly during periods when other protections / plans are not fully adopted or when they are reducing in efficacy and require replacement. Neighbourhood Plans are an extremely effective tool for constructive resident engagement, particularly on difficult subjects and the inherent tension with the wider planning system, and their utility and use should be more clearly defined and, in my view, more clearly relied upon in the future. The communities that I represent in North East Derbyshire have shown a real interest and appetite for having more of a say in planning, and the Government should build on the success of its introduction of Neighbourhood Plans by strengthening their practical influence.

### **Pillar Two Proposals - Planning for beautiful and sustainable places**

I am broadly supportive of the conceptual aim to improve the aesthetic quality of future proposals and designs. As someone who has previously sat on a planning committee, the most terrifying words that can be spoken by an applicant is the intention for an initiative to offer a “juxtaposition” to its surrounds which, inevitably, means design which has no relevance or accord with the local area and which can often serve to create a terrible, long-term blight. Lazy and egotistical architectural design, combined with a failure to recognise the importance of beauty within the urban and suburban landscape, can create huge challenges for communities which perpetuate for generations.

The proposal to make sure that design codes are made locally and with community involvement are particularly welcome and should provide another opportunity for residents to have a say on the character of their community. I am less keen for yet another quango to be set up to monitor or “support” this, although if an absolute case can be made for its purpose then I would be keen for it to be debated.

The one area of real caution I would strike is around the so-called “fast track” for beauty. The challenge with the current planning system is both its cumbersome nature and the level of complexity within it. I would be cautious about creating a secondary process for certain schemes based on aesthetics alone – whilst vitally important (and often missed), the principle, detail and amenity of development are often as crucial as its integration into its surround. Similarly, and whilst further detail is ultimately needed to draw a definitive conclusion, I would be extremely cautious of broadening out the use of permitted development over and above what is already allowed.

Finally, given the UK’s commitments last year on improving environmental stewardship, it would seem sensible to bring forward proportionate improvements in this regard.

### **Pillar Three Proposals – Planning for infrastructure and connected places**

Again, I am broadly supportive of the argument that the current system is not hugely effective and that there is scope for reform on the levy structure. Negotiating section 106 agreements is often a long, difficult and contentious process. Plans to replace this system with a reformed Infrastructure Levy are potentially a positive move, depending on the details and how such a reformed levy would work in practice. The details on the level of the rate and what funds would, on an area by area basis,

be captured and available for local authorities to spend will be important in assessing the success and practicality of these proposals.

Plans to give local authorities more freedom over how they spend a new Infrastructure Levy are also welcomed. These proposals make sense as, with the expanded scope of the Infrastructure Levy and abolition of 106 agreements, local authorities will require greater scope on what they spend this money on. Different areas and their local authorities will rightly have different priorities, and their elected representatives should be trusted to set these as they are most directly accountable to local residents. I also welcome the protection of a share of the levy for the particular neighbourhood which the development impacts – it seems right and proportionate that there is a clearer link between cost and benefit over the long-term for individual areas in the planning system.

### **Other Proposals**

Finally, the consultation also highlights the desire to improve enforcement and sanction powers around transgressions of the planning system. I strongly support this; the ability of developers to ride roughshod over planning rules is a long-standing issue and one that needs clear correction. I support strengthened enforcement of powers and sanctions so that we can uphold the integrity of the planning system and protect residents and communities from unauthorised development.