Harlow Civic Society Response to Planning for the Future

The stated aim of the White Paper is to make the planning system for development 'simpler, faster and more predictable'. It declares that there needs to be 'wholesale reform of the system', eliminating piecemeal changes and complexity.

The White Paper also states that the reforms attempt to rebuild trust in the planning system, to promote good design and to achieve best in class community engagement. These aspirations are welcome, but the specific proposals focus on streamlining processes and removing key opportunities for participation such as the right to be heard in person at planning inquiries.

Although we agree that the current planning system does need changes, Harlow Civic Society (HCS) believes that the wholesale changes set out in the document would result in an unacceptable reduction in democratic oversight of the planning process and in the opportunity for the public to comment on planning applications. The proposals may reduce the risk for developers and make it easier to get planning approval but without any guarantee of the quality, suitability or affordability of developments.

In our view it is essential that democratic oversight and public consultation are maintained and extended. We do not support the proposals for 'a streamlined and faster development management process', together with automatic outline permission for development in 'growth areas' and automatic consent for 'renewal areas' where basic criteria are met. Indeed, we do not support automatic permission for any development. In our view the focus of the planning system should not be on speed, rather on achieving sustainable, high quality developments to meet the nation's health, housing, well-being, employment and infrastructure needs.

The document speaks enthusiastically of High-Quality Design and a 'FastTrack to Beauty', to be achieved by swift approval of developments that accord with local design guides and codes. We support the production of strong design codes and standards, but not at the expense of democratic oversight and consultation. Good design will not result from the automatic application of codes; and good planning is about much more than design. Design codes must be comprehensive and include not just aesthetics, but everything needed for healthy homes and places. We do support requirements to address climate change, but these must be mandatory from now onwards and be a central objective of the planning system.

There are many areas in the proposals, where there is insufficient detail for us to see how they would work in practice. For example, there is undoubtedly significant unmet housing need, particularly of social rented and affordable homes. However, in our view, there is

nothing in the proposals that guarantees that the shortage of affordable housing will be addressed.

It is also not clear how these new proposals will work across all levels of planning: the essential area of strategic planning is not discussed, and neighbourhood planning is mentioned but how it will fit in is not addressed.

One issue is clear - with the zonal Local Plans public consultation will only happen when the Plan is being drawn up. Once the Plan is approved then there will be no consultation on planning applications. This is a significant loss of democratic involvement in the planning system.

Whilst we would support some of the points proposed, we fundamentally disagree with their broad thrust; namely the significant reduction in democratic accountability and the assumption that a more permissive approach with standardised codes will result in private developers providing more high-quality places and homes. Previous deregulation of planning control (such as granting automatic rights to change the use of offices) has led to the production of sub-standard housing that lacks basic amenities and is poorly connected to jobs, schools and other facilities.

Changes are needed to the current planning system, for example, to ensure high quality, carbon-neutral, healthy homes and places. But we are concerned that the proposals will undermine local democracy and fail to achieve the high-quality places that we all want to see.

The current system is highly permissive and generally produces outcomes that favour the interests of property developers. What we need is more planning, not less. We need a system focussed on climate change, health, well-being and the powers needed to create high quality developments with sufficient decent and affordable housing.

In our view, the 'Planning for the Future' proposals will not achieve this.

We believe that there is a fully worked-up alternative to the proposals in the White Paper, namely, the recommendations of the Raynsford Review commissioned by the Town and Country Planning Association and published in November 2018. In our view, this would provide a democratic planning system which would positively promote the long-term sustainable development of the nation and the health, safety and wellbeing of individuals.

Responses to Consultation Questions

Pillar One – Planning for development

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

Permissive (for developers),
Unresponsive (to the views of the public and Civic Societies),
Mediocre (often, in terms of outcomes)

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

Yes

We always review and comment on many planning applications in our area. We also have a regular dialogue with our Council's Planning Department.

2(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]
N/A

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?
[Social media / Online news / Newspaper / By post /
Other – please specify]

We are not convinced that the proposals will make it much easier to access plans, certainly not for those without digital access. Improved online processes would be our preference, though, still accompanied by appropriate documents for those not having digital access.

4. 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]

Maintaining the original design principles of our town by improving the quality of design of new homes, buildings and places;
Meeting local housing need, particularly for affordable and social housing;
Reducing the impact on the environment, increasing biodiversity, addressing climate change.

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.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No – not as set out.

It is not sufficient to identify zones as Growth, Renewal or Protected; the Plan must also at least define the nature of sub-areas within zones together with design and landscape standards and Master Plans for larger sites. Local Plans must set out a positive future vision for their area.

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

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.]

No.

We are not opposed to streamlining the development management content of Local Plans, but we do not support the setting of all development management policies nationally. They may set a baseline, but it must be possible to adopt policies to meet local constraints and circumstances.

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

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.

In principle, simplifying the tests is acceptable, but the definition of 'sustainable development' is not clear in the White Paper.

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

Strategic Planning is an essential part of the system. It is not enough to have a collection of potentially uncoordinated Local Plans. We believe that some form of regional bodies are required, with representation from all areas within each region. This should take account of existing strategic plans and bodies. All this should be in the context of a national planning framework and objectives.

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.

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.]

No.

We do not believe that it is possible to define an algorithm that will fully take into account local needs and constraints. Housing requirements must include targets for genuinely affordable and social housing.

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.]

No.

Local economic, environmental and social factors must also be taken into account. The mentioned indicators would prioritise development where affordability is low and not allow for areas where housing is in need of replacement or renewal. Affordability should not be addressed by simply building more and wider economic and social measures are needed; for example, policies to increase genuinely affordable and social housing that will require public investment.

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.

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.]

No.

The focus should be on getting places and developments of the right quality and scale. Master Plans, design standards and all details of developments must be defined and these need to be reviewed and approved by the planning authority, taking into account the views of the local community, before permission should be granted.

The ability of the local community to comment on planning applications or to participate in planning enquiries should not be curtailed as the White Paper proposes.

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.]

No.

The Planning Authority should determine the appropriateness of the development and the ability of the public to comment must be retained. Again, it should not be about speed per se, rather about achieving developments of the right quality in the right places.

For Protected areas, all applications should be considered by the Planning Authority and we would not support any extension of Permitted Development Rights, indeed we believe they should be curtailed. Extensions to permitted development rights to date, for example for office conversions, have resulted in poor quality homes lacking space and access to local facilities.

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.]

No.

We are concerned that such a proposal focuses on speed rather than recognising the importance and value of a truly democratic planning system.

Strategic decisions must take account of regional and local issues and views.

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

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

No.

Decision making should be focused on achieving the right quality of development in the right places, not on speed. The ability of the public to comment on planning applications must be retained. Indeed, consultation should be extended, in particular to the pre-application stage.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

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

Yes, though this is not enough in itself.

Digitising planning information and applications is not a panacea. It is very doubtful that all routine processes can be automated. Also, not everyone has digital access and complex information is not best viewed on small screens.

Use of digital and social media should certainly be part of engagement and consultation. However, engagement and consultation activities also need to be inclusive, including for people with limited or no access to IT.

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.

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.]

No.

In principle, we support a quicker process, but this must not be at the expense of sufficient breadth and detail in plans and design standards with the opportunity for community engagement and consultation. We are doubtful that this can realistically be done within 30 months – this could be a desirable target, but not a statutory one.

The resource implications of the Local Plan timescales and of five yearly reviews are significant and would have to be provided to local authorities if these timescales were to be adopted.

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

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

Yes.

Neighbourhood plans are an important way of engaging the local community and in defining the nature of developments that are appropriate to a locality. The White Paper does not set out how Neighbourhood plans relate to the rest of the proposals and what weight would be given to them. It is implied in some places in the White Paper that they should only consider local design guides and codes; we do not believe that they should be restricted in this way.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Resources for the local community to enable them to participate together with access to professional expertise in all aspects of planning, architecture and design.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

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.]

There are a significant number of developments that have consent but are not started. Permissions could have completion as well as start dates, with revocation of permission for non-compliance without good reason for delays.

There should also be quicker remedies and stronger penalties for defective construction. This is an issue that we have experienced locally.

Pillar Two – Planning for beautiful and sustainable places

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 specify]

Mixed. One area is well planned with a clear Master Plan and design standards. Homes here are architect designed and have won a number of awards. Another area has standard developers' designs of no particular note.

In Harlow HCS has encouraged the best design in local developments by establishing the annual Harlow Architectural and Design Awards with trophies by local artists given for the best commercial, non-commercial and environmental schemes each year.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?
[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

All of the areas listed are important. We would add accessibility to local facilities in walking distance such as shops and schools.

A key aim of Harlow as a New Town was to create a self-contained and balanced community for living and working. With globalisation and other developments this has not been achieved, but with the existential climate crisis and the experience of Covid-19 the concept of self-sufficiency is worth keeping in mind.

Overall, the priority should be on addressing climate change and the proposals in the White Paper are insufficient and lacking in detail in this regard.

CREATING FRAMEWORKS FOR QUALITY

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.

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.]

Yes, with caveats.

Too many developments are of generic, often poor-quality design. We do support the production of design codes and they should be mandatory in Local Plans. Often site-specific standards will be required. The scope of the codes should be much wider than aesthetics and must include all matters necessary for healthy homes and places. They should include: space standards, access to natural light, pollution impact, carbon reduction, climate change resilience, access to transport and facilities, safety and security, year-round thermal standards. National codes may provide guidance and a framework, but design codes should be locally set with formal community engagement.

However, good planning and design is about much more than adherence to design codes. They should not be used as a checklist to facilitate the granting of planning permission.

The time and resources needed to produce such codes will be significant and appropriate resources must be made available to local authorities and communities to make this process meaningful and effective.

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.

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.

We support a much-increased emphasis on the design quality of places and homes in its widest sense. It will need much more than a chief officer and the emphasis should be on providing the necessary resources to local authorities with the national body in a support and advisory role.

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.

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

All developments should have an emphasis on design in its widest sense. Homes England and all public bodies should be setting an example to private developers.

A FAST-TRACK FOR BEAUTY

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.

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

No.

As stated in earlier answers, the focus should be on achieving the right quality of homes and places with a high level of community engagement and not on speed. The use of standard designs and patterns will reduce innovation and local distinctiveness. Assessing 'beauty' is a subjective matter and cannot be simply captured in a code, nor can conformity with a code be a checklist exercise.

We are strongly opposed to any extension of Permitted Development Rights. We have too many cases in our area of such developments being of poor quality with lack of space and without access to local facilities, for example with office conversions.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

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.

Pillar Three – Planning for infrastructure and connected places

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]

There is no one single aspect – all parts must come together to create healthy, inclusive, affordable places of high quality.

A CONSOLIDATED INFRASTRUCTURE LEVY

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.

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.]

Not sure.

A new national levy could remove one source of delay. Further details are required for us to fully support this proposal. However, it should apply to all developments not just large ones.

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]

We believe it should be set locally or nationally for each area. We do not think it feasible to set a single national rate that can take into account the circumstances and requirements of every location. Scope should be retained for local levies to provide for particular site-specific issues.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

The levy should capture significantly more value than the existing arrangements. As stated in the White Paper, section 106 agreements cover about 50% of all affordable housing and the levy needs to achieve more than this.

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.]
Not sure.

Payment of the levy should not only be payable on occupation of a development but should be at least phased throughout to minimise any borrowing. Our preference would be for the levy to be phased or paid largely up front to ensure that necessary infrastructure is provided at least at the same time as the development if not before, so that additional borrowing by local authorities is minimised.

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

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

We do not support any extension of permitted development rights, but where they are used, the levy should be applied as there will still be infrastructure and other implications of such developments that should be subject to payments by developers.

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

The amount of affordable housing secured under the infrastructure levy should be significantly increased given the current shortages in affordable and social rented housing.

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

The best option will depend on variable local circumstances and market conditions – but the objective should be to maximise the provision of high quality, truly affordable and social rented housing.

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.]

Yes

There should not be a risk to the local authority due to changes in, for example, market conditions.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Yes

Required quality should be defined as part of planning conditions with penalties for non-compliance.

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

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

Yes

Decisions are best made locally to better address local needs but the infrastructure levy should not be used to reduce council tax.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Yes

Need to ensure that local requirements for affordable housing are met.

Making sure the system has the right people and skills

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:

Stronger enforcement

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

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

We support the commitment to delivering wider engagement in planning and to supporting inclusive and mixed communities. A particular concern is that the focus on use of technology in the White Paper will result in the exclusion of those without digital access.

Harlow Civic Society
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