

Steady State Manchester response to the White Paper, Planning for the Future, 2020.

Steady State Manchester is located in Greater Manchester. We, and our members, have had a long time involvement in planning issues and are active with a coalition of other local groups in pursuing a place-making approach to developments. The introductions to the Planning White paper contain some laudable aims which cannot be met by the proposals for change that follow.

We can agree to the pursuit of a society with powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose; communities that are connected to a planning process that is supposed to serve them, with residents engaged over what happens in their areas; the enhancement of local democracy and accountability; and to a system wherein smaller builders can thrive alongside the big players. The White Paper dodged clarifying the social purpose of planning. We support the TCPA in suggesting:

The new purpose of planning should be “to positively promote the long-term sustainable development of the nation and the health, safety and wellbeing of individuals. Within this, ‘sustainable development’ should mean: a) managing the use, development and protection of land, the built environment and natural resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs; and b) promoting social justice and reducing inequality.”¹

We can agree to the building of environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

However, we do not think the proposals will achieve any of these things – primarily because the wrong answers are being proposed to the wrong questions². Whilst we agree the planning system needs reform, we cannot agree with the direction of reform proposed, which will reduce democratic accountability, not enhance it. Of course not enough houses are being built at prices people can afford to buy or rent in the places they want to live: however, this is not due to the planning system. The TCPA report³ a year on from the Raynsford⁴ review, published in 2019 said:

¹TCPA 2020 <https://www.tcpa.org.uk>

²Independent Group, 2020 The wrong answers to the wrong questions.

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=f53db0a4-b78d-4898-80e4-647080dad84b>

³ TCPA. (2020). *Planning 2020 ‘One Year On’—20th century Slums? Raynsford review of Planning in England*.

TCPA. <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7260c5e9-ad84-48a2-92a5-922fa48ba6f7>

⁴TCPA. (2018). *Planning 2020 – Final Report of the Raynsford Review of Planning in England*. TCPA.

<https://www.tcpa.org.uk/raynsford-review>

We have been adding substantially to the stock of unbuilt permissions each year for the last five years. In the year ending June 2019 councils approved around 135,000 more units than were completed by new build and conversion. The Letwin Review⁵ estimated that there were approximately 107 undelivered sites of above 1,500 units in England with permission for approximately 393,000 homes. The approval of 375,200 units of housing in the year to June 2019 shows that planning is plainly not the ‘problem’ in terms of numbers of consents. The practical delivery of these consents is not within the gift of local authorities. Rather, it relies on what the government has itself has described as a ‘broken’ housing delivery market. Ten years of continuous planning reforms have not achieved the desired ‘step-change’ in the delivery of new homes, while the quality, safety, location and affordability of these units remain a real concern.

It is land value variations and capture⁶ that should be addressed, not the planning system if the range of affordable homes are to be built equitably across the country. Furthermore, it is more democratic involvement in the system, not less or restricted, as proposed, that will lead to good and better, places for people to flourish. (Indeed the Letwin Review proposed a stronger role for the public sector, not a weaker one as in the White paper.

It is disappointing that the white Paper was thin on evidence, whereas the two previous reviews cited above (Raynsford, 2018,19; and Letwin, 2018), which both considered extensive and detailed evidence, seem to have been ignored.

Detailed response to consultation now follows.

Pillar 1: planning for development

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

Over-centralised (nationally); good community-local authority relationships; poor developer-community relationships

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

Yes. We are a civic Society and consider planning applications with our members, as well as coordinate local coalition of place making interests

5Independent Review of Build Out. Final Report. Cm 9720. Letwin Review. Presented to Parliament by the Secretary of State for Housing, Communities and Local Government, Oct. 2018.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.p

6UK Government HCLG Select Committee. (2018). *Land Value Capture*. HC 766. *Tenth Report of Session 2017-19*. Housing, Communities and Local Government Committee. House of Commons,.
<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>

- Q2 (a) If no, why not?
- 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?

It is hard to see how these proposals will make it easier for local people to contribute their views to planning decisions since the reforms propose to omit or curtail a key stage of the planning process, namely when a planning application is submitted, subject to public consultation and decided by the local planning authority. Only 'protected areas' would appear to retain a planning system along these lines. It is not sufficient to be involved as design stage.

- Q4. What are your top three priorities for planning in your local area?

1. Maintenance of character and liveability of the area

2. The environment, biodiversity and action on climate change with protection of green space

3. range of developments that are affordable for rent or buy in terms of price and that are built to zero carbon and homes-for-life standards and underpinned by democratic, accountable and transparent local decision making (Communities have a right to participate in plans and decisions on planning proposals. The planning system is there to serve the public interest, not favour one sector, such as a (large) landowner or (large) developer over another.)

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

No – Whilst there is a need to make local plans more accessible and visually engaging, they need to be about much more than simply allocating land for development.

If the reformed system is to deliver better outcomes, which is the aspiration of the White Paper, there need to be assurances that those outcomes will not be solely based on local design guides. Plans need to address much more than just housing design and ensure that climate and human health are at the heart of planning for transport, employment, minerals and waste. To deliver new homes and other development while meeting broader objectives, (such as for healthy, resilient, walkable communities; the UK net zero carbon 2050 target; accessible homes across the life course; and protection of green space, wildlife and the natural environment), Local Plan policies must be sufficiently detailed and tailored to local circumstances, challenges and opportunities.

Categorising land in the manner the consultation paper proposes and conferring a 'permission in principle' or 'presumption in favour of development' within growth and renewal areas risks leaving only 'protected areas' with a properly functioning system

of planning and development control. This is no basis for a green and fair recovery or for ensuring good quality, energy efficient homes are built.

Zoning systems rely on detailed ordinances to work, may not be suited to the UK, and are not necessarily simpler than our present system. Moreover, such a system would take a long time to implement, as it would require a completely different regulatory regime to the one we have now. Detailed analysis of different international zoning systems⁷ highlights some of the hazards of this approach, whilst illustrating how zoning could work to in an inclusionary way. The report concludes:

Proof is required that zoning would deliver more affordable homes and improve quality. The LGA has already warned that the (White Paper) proposals will impact delivery in high value areas. Inclusionary approaches, as practised in the Netherlands and Germany, maintain a discretionary element, strong public intervention and clear direction for example on affordable housing requirements. These will be more successful in meeting the Government's stated objectives than a purely market-led approach. The Government needs to set out in more detail how it will deliver mixed communities, reduce car reliance and improve environmental performance—and avoid the pitfalls of exclusionary zoning.

Paragraph 2.10 refers to community-led housing developments in growth areas, however the planning system should aim to facilitate community-led development more widely, not just in areas envisaged for growth and not just for housing. We would like to see more in the way of explicit support for such community-led developments, and for example community land trusts, which would focus on work spaces and regeneration developments, rescuing historical, community assets from demolition or ravages of developments whose sole aim is to maximise profits with little concern for local sense of place

It is essential to continue to allow local authorities at least the same level of flexibility to set development management policies as under the current Local Plans system. They should not be restricted in this as the consultation paper proposes. This in turn should be supported by a strengthened NPPF which empowers, rather than restricts, planning authorities and communities to manage development in their area in line with local aspirations and needs and in a way which responds effectively to the climate and ecological crises.

- Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No. These proposals are deeply worrying as they would take away control from local communities and the councils who serve them. Local Plan policies must be sufficiently detailed and tailored to local circumstances, challenges and opportunities if we are to meet wider aspirations and objectives, such as on climate change, the natural environment, green space, local economy and affordable housing.

⁷J Pearce, 2020 Just Space: Zoning Research <https://justspace.org.uk/>

The White Paper proposals for paring down the development management function and stripping planning authorities of their ability to decide development proposals (or placing restrictions on this) outside protected areas will mean local people and elected councillors who serve them will have less say over what development can or cannot go ahead. This is anti-democratic. Furthermore, we know from experience that many developers (particularly large ones) pay scant attention to the overall ambitions of local communities and this does not lead to good, sustainable developments meeting local needs.

We would like to see provision for capacity building within the development sector to work collaboratively with local people over their plans. The more development is constrained, as in the proposals in the White paper, the less able are local people to take an active part in place making and enhancing local place-identity.

Paragraph 2.15 of the consultation paper states that "We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or code."

We cannot support the delegation of screening to machines. We have plenty of evidence from recent events, during COVID – 19 of machine-based decision making causing enormous hardship. It is a grave mistake to replace human judgement with machine screening. Automatic screening is no substitute for human judgment for many planning matters which require careful consideration and appraisal and we would be concerned were such an approach to lead to the approval of schemes without the scrutiny they warrant or conversely, miss opportunities for sustainable development from say a community led scheme whose proponents may be less familiar with procedures.

- 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?

No. There is insufficient information contained within the consultation paper to answer this question. However, the consultation paper proposal for "a single statutory 'sustainable development' test to ensure plans strike the right balance between environmental, social and economic objectives" (paragraph 2.7), appears to miss the point that sustainable development is about integrating environmental, economic and social objectives, not trading them off against one another. A statutory sustainable development test aimed at ensuring this approach happens in practice would be welcome. However, this would not in our view negate the need for a Strategic Environmental Assessment of plans (or similar procedure).

With regard to the proposal to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, it is essential that this fulfils the requirements of UK and international law and treaties. Local Plans and, where appropriate, Neighbourhood Plans should continue to be subject to Strategic Environmental Assessment, including arboreal and biodiversity assessments, as now. National planning policy should undergo Strategic

Environmental Assessment or a similar exercise, to ensure environmental effects are appraised and alternatives considered and subject to public consultation.

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

Through a locally accountable, democratic, strategic planning tier. Currently this is only available in those parts of the country where an elected mayor and/or combined authority has planning powers or authorities choose to work together strategically.

We would like to see a system of co-development (akin to co-production of human services) to ensure that developments are grounded in democratic involvement of local communities.

- Q8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

No. Planning for housing is best done locally, in light of local needs and aspirations and different places' capacity to accommodate development. Areas with the greatest affordability constraints, where house prices are most expensive compared with incomes, are not necessarily the most sustainable locations to develop, yet under the proposed approach would plan for more homes than otherwise. Conversely, places with fewer 'affordability' issues may benefit from inward investment and development but be neglected under such a method.

The housing method must provide clarity over the type of homes required for different groups drawing on local evidence (for example on the need for affordable and accessible housing). Ideally homes would be homes for life, ensuring that as people aged or became disabled, they could stay in their homes. The system must place greater onus on developers to contribute fairly towards meeting housing needs by removing current 'viability' and other loopholes.

We object to the housing delivery test as this unfairly penalises local authorities who cannot force developers to build on land which has planning permission and stands to further exacerbate the current situation of approvals being given but delivery stalling.

We are also concerned that the so-called presumption in favour of sustainable development in practice works more like a presumption in favour of development. Both these aspects of the planning system should be reformed so that they work to the wider public benefit, rather than the development industry, or removed entirely.

- 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?

No. The capacity of places to accommodate sustainable development should be the primary objective.

Simply building more homes won't make them more 'affordable' as developers are unlikely to flood the market to a level that would make house prices fall. Indeed, we know from the Letwin report⁸ and other surveys, that at the moment developers restrict their building in ways that ensure prices stay high.

The quantity of development planned for should be based upon an assessment of local need and places' capacity to accommodate development in a sustainable manner.

When affordability is being discussed we should move away from affordability in market terms, back to affordability in price – there is a huge difference and the current system penalises those in the north, who on average earn less than those in the south.

- Q9(a). Do you agree that there should be automatic permission in principle for areas for substantial development (Growth areas) with faster routes for detailed consent?

No. The specific details of the proposals quite clearly reduce democratic accountability and the individual rights of the citizen to participate and this must be addressed as planning reform is taken forward. It is unrealistic to propose that the level of detailed needed to inform whether or not a large-scale site should receive outline planning permission can be included in a key and annotation supporting a map. To make such a suggestion suggests a lack of understanding of the complexity of such developments. References are made in the White Paper to master plans being produced, which are a critically important ingredient to deliver high quality new mixed communities, but it is unclear how existing and future communities will be involved in that process.

There should be no automatic permission granted, especially not for 'substantial development'. This requires more scrutiny of proposals, not less, so an automatic permission makes no sense.

Development proposals should continue to be decided by way of a planning application. The planning application process provides for public, democratic scrutiny. This is a prerequisite for robust, fair planning outcomes. Under an automatic permission in principle this stage would be omitted and therefore the procedure for approval would be less fair, and potentially less rigorous.

With regard to the aspiration to achieve “faster routes for detailed consent” experience suggests any such process would still require consulting statutory consultees, assimilating policy and application information and negotiation especially for the substantial development the reforms propose for growth areas. Therefore, it is doubtful whether a noticeably streamlined system is achievable in practice without compromising the quality of developments coming forward and, most particularly, the community voice in planning.

⁸Op cit. See also Q. Bradley, 2020 Is housing land supply constrained by the planning system? In Independent Group, 2020, Wrong answers for wrong questions. Op cit

- Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No. The specific details of the proposals quite clearly reduce democratic accountability and the individual rights of the citizen to participate and this must be addressed as planning reform is taken forward. The current planning application process provides for public, democratic scrutiny. This is a prerequisite for robust, transparent and fair planning outcomes and should be retained. For renewal areas, a presumption in favour of development would apply and therefore it is not clear that provision for the same level of public, democratic scrutiny by way of a planning application as we have now would continue.

It is vital that this stage be retained and enhanced to ensure at least the level of scrutiny and public participation in decisions remains as under present arrangements. Without these safeguards, the procedures for approval under the reforms risk being less fair, and less rigorous.

- Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No. New settlements should be seen as a last resort after all other options, such as redevelopment and urban extensions have been considered and exhausted first. Such a proposal focuses on speed rather than recognising the importance and value of a truly democratic planning system.

Planning should remain in the hands of democratically elected authorities with associated community involvement.

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

No – We welcome the aspiration to involve more people in planning and to focus on delivering better outcomes. However, the specific proposals focus on speed and certainty for developers rather than demonstrating a real commitment to working with local communities. This is back to front. We need to move towards a system of co-development with developers working with communities to ensure liveability and sustainability.

With regard to planning applications, the system must provide for sufficient information about the proposal to be forthcoming to enable a robust appraisal by the planning authority of the proposed scheme and associated impacts as well as off community scrutiny. The amount of information required to assess a scheme will depend on its size and complexity and impacts so it is important that in any move to standardise documents these are taken into account. Imposing an arbitrary word limit on planning documents assumes this will address all issues, whereas for larger schemes such detail is needed due to complexity and impacts of such proposals. As it is, applications for planning consent are often sketchy, with little information made available; what there is comes from the detailed impact surveys involved in complex developments, and these need to be retained.

Of particular concern, is the consultation paper's suggestion that detailed planning decisions be delegated to planning officers where the principle of development has been established. While it is important that planning and other specialists have oversight of / advise on detailed matters, they should inform, not decide applications (other than minor non contentious ones). Public participation and democratic scrutiny are integral to our current system and necessary in order for decisions to be fair, transparent and robust. Under the reformed system as proposed the democratic scrutiny and public participation that occurs in relation to specific planning proposals — a key plank of our current system — stand to be lost. — This cannot be right. If anything, it is these systems that need to be enhanced.

With regard to the proposal for greater digitalisation of the application process to make it easier for applicants, it is important that any automation of the process be restricted to routine, simple elements. Computers are no substitute for human judgment, professional or otherwise, public participation and deliberation by way of a planning committee.

There is a need for better presentation of planning documents online so that these are easily searchable and findable by professional and laypersons alike., but this need not lead to the proposed digitalisation of the system. Any digitalisation must be to make it easier for communities to see what is being proposed, in detail, not just to make it easier for applicants. The current system is not hard for applicants.

With regard to planning conditions and suggestion that conditions be set nationally, the system must also provide for local conditions tailored to local circumstances. One of the things that has bedevilled local place making is the overturning of local decision by the National Planning inspectorate, who has no oversight of, or understanding of local aspirations for sustainability and liveability. There do need to be safeguards, however, for those places (not ours) where there is discord between the local authority and the neighbourhood.

We strongly object to the proposal that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal. This is unfair as it will deter cash-strapped local authorities from refusing to grant permission for an application they consider to be poor. Reaching a planning decision is not always black and white and will depend on the weight to be given to different factors. Such a rebate should only be required where a council's planning decision is deemed unreasonable by an Inspector on material planning grounds. However, if rebates are to be considered, if the appeal rules in favour of the local authority there should be financial penalties for the developers. We should not be moving to a system which favours developers over other stakeholders.

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

See Q10.

Greater use of digital technologies is needed, however face-to-face communication, in person events and access to hard copy documentation also matter. In person events provide for a level of engagement and discussion that may

not be achievable through digital technologies. Both types of communication are needed.

We disagree with the simplified role envisaged for Local Plans, and Neighbourhood Plans. These should continue to set out detailed policies tailored to the circumstances and opportunities of the local area.

- Q12. Do you agree with our proposals for a 30 - month statutory timescale for the production of Local Plans?

No. We do not think there should be an arbitrary time limit set. If local plans are to be developed properly they should engage with people living in neighbourhoods at every stage, as well as other stakeholders, not just developers, but civil society and voluntary sector groups. This may require some capacity building work and will be the best way to ensure plans are fit for purpose. It is important that all areas have and maintain up-to-date Local Plans to guide decisions on new development. This should be achievable in a period of two and a half to three years, subject to planning departments and the Planning Inspectorate having the necessary resources to work to this swifter timescale.

It would be a mistake to only permit public involvement at the Plan stage.

We note that under 'alternative options' the possibility of removing the 'right to be heard' is mentioned. Maintaining the right to be heard is essential if communities are to retain a meaningful influence and role in plan-making. This right enables individuals and groups to engage in person alongside other stakeholders and provides for thorough public scrutiny of policies, evidence and proposals. The deliberation and discussion that occurs at examinations in public helps foster consensus and ultimately leads to better thought out plans and policies. If anything, greater support should be given to enable meaningful democratic involvement in the making of local plans.

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

Yes. Neighbourhood Plans have a role to play in setting local policies tailored to the needs of their neighbourhood and can foster community ownership of and engagement with planning. However, the development of Neighbourhood Plans is patchy and depends on high level of volunteer activity. Neighbourhood plans should be promoted everywhere, facilitated by community development workers, skilled in managing conflict, sustainability and equality issues and in managing democratic consultation. It is not fair to expect neighbours to handle these kinds of conflicts, that inevitably occur, without support, and leads to community division, not cohesion. Conflicts of interest of those preparing Neighbourhood Plans (such as being a local landowner) should be declared and not permitted to hold sway in the development of Plans.

The role of Neighbourhood Plans should continue as now or be enhanced, not restricted in the manner the reforms propose.

- 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?

There are some digital tools that can underpin community engagement in decision making about these are no substitute for face to face (even if virtual) engagement. Capacity building is necessary for local people to understand the possibilities of sustainable and liveable neighbourhoods, and skilled professional support should be available – it is not reasonable to expect volunteers to manage every step of neighbourhood planning. There are resource implications to this.

By empowering communities to draw up Neighbourhood Plan policies that require development to be zero carbon, nature friendly and meet requirements for affordable, good quality, accessible housing, workspaces, community facilities and other land use needs, in particular community led schemes and initiatives. This has capacity building implications and community-led developments should be underpinned by professional support, particularly in community development

The design preferences of the community should be reflected in the Neighbourhood Plan where communities would like this, but so should these broader planning considerations which should continue to be integral to the Neighbourhood Plan process rather than omitted or constrained along the lines the consultation paper proposes. Those landowners who are part of a Neighbourhood Planning process should not be permitted to sway decisions of any sort in the process.

Professional support to Neighbourhood planning processes are needed to avoid dominance, handle conflict and avoid NIMBYism

- 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. Measures to address excessive landbanking are needed. Developers should be required to implement the planning permissions they already have (see preamble, above) and measures identified to achieve faster build out of developments where needed. Providing for a greater variety of building types and developers as the consultation paper proposes (Proposal 10) may help, however other measures are needed too. Without action on land value it will be difficult to secure greater numbers of small developers.

Pillar 2: planning for beautiful and sustainable places

- Q15. What do you think about new development that has happened recently in your area?

There have been some houses built or renovated to PassivHaus standards which is a tremendous achievement, and due to the perseverance of individual householders. And there have been some householder support for retrofits for energy efficiency. This is piecemeal though and a great deal more is required. One social housing provider has some energy retrofit demonstration projects on the go. We have several

developments in the pipeline that are community-led – this is a struggle as there is little on the way of support for such community developments. The balance between landowners' desires for maximum profit from the land and community desires for sustainable and liveable developments is a tricky one to navigate. We see no evidence of developers even trying to move to zero carbon developments – perhaps this is a capacity building issue.

We have been appalled at some of the decisions taken by National Planning Inspectorate that work against community plans for enhancing a sustainable neighbourhood – in our view where there is discrepancy, the default position should be to support the community, not the developers. (Obviously NIMBYISM needs to be guarded against, but there is no evidence this is what planning appeals are doing.)

However, the lack of understanding about what community engagement or involvement means in some other developments is shocking and reveals the need for capacity building amongst developers. Equally, delays in developing some sites, not caused by the planning system per se is also shocking.

The community is ahead of developers and builders in their understanding of what a sustainable and liveable neighbourhood might be. A new housing development has been completed recently with little in the way of green space and did not have solar panels as standard – it was designed for cars, not people.

We have a great proposal for a cycleway into the City and are a part of the Greater Manchester Beelines project promoted by Chris Boardman. This should lead to more liveable streets.

Other: In the wider area, very little new development is truly sustainable, as in zero carbon, nature friendly with sufficient affordable housing and affordable workspace, accessible green space and served primarily by public transport, walking and cycling. New housing developments are often delivered on the outskirts of towns/cities, served by private cars, with limited provision of new green space, integration with public rights of way, cycle paths etc. This has to stop if we are serious about tackling the climate and ecological emergency and planning for a green, fair recovery.

- Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Developments that address, in positive ways, the climate emergency. This should be made the legal priority for any development and for the planning system as a whole. The new system must align the legal objectives of town planning with the 2008 Climate Act. The legal duty must apply to both development planning and development management and include explicit reference to implementing the carbon reduction budgets required by the 2008 Climate Act. Resilient, zero carbon, energy and water efficient, community led, integrated green and blue space, 20-minute (or even 10-minute) neighbourhoods⁹, biodiversity, homes for life, integrated housing,

⁹See Steadley State Manchester 2020 The future is 20 Minutes Away?

<https://steadystatemanchester.net/2019/11/20/the-future-is-20-minutes-away-20-minute-neighbourhoods/>

local workspaces, good public transport, filtered traffic residential streets, garden city/village design for new developments, commitments to growing spaces,

Other : All of the above.

All these things matter if we are to develop in a sustainable way. It makes no sense to exclude any one of them.

- Q17. Do you agree with our proposals for improving the production and use of design guides and codes?

Possibly. Greater use of design guides and codes could potentially play a helpful role, depending on what these contain. However, local design guides must be developed for inclusion in the local plan, rather than it being seen as a 'twin track' approach with nationally set designs and codes. A legal duty arising from aligning the planning system with the Climate Act (see Q 16) should also apply to the development of any design codes and pattern books and to neighbourhood plans.

Such guides and codes should have sustainable design, energy efficiency, social interaction, blue and green features, sustainable transport embedded within them, including maximum parking standards, people first streets, cycle storage, charging points, etc. Involving local people in preparing design and development frameworks will help ensure they are relevant – but this must be meaningful and may require some capacity building. Their utility will depend on the extent to which they are followed and care will be needed to enable the local vernacular to be embraced.

Codes may have some potential to help secure better designed development, but need to be seen within the broader context of planning impacts and wider objectives such as the climate and ecological crises and need for a fair, green recovery. For example, allowing major new housing development on greenfield sites on the edge of out towns and cities, without workspaces, makes a transition to more sustainable transport modes harder to achieve, as reliance on the private car is embedded as a necessity from the outset. This in turn leads to houses with no front gardens but parking spaces, leaving little or no room for trees, growing, nature or greenery. Design codes should design out cars and design for people.

The front of the White Paper shows Nansleden in Newquay, Cornwall, which has, reputedly, 'successfully' developed and used a local design code¹⁰. The picture shows no green space, no energy efficient roofs, no waste water infrastructure creating blue space, no growing spaces, no green space at all except miniscule yards for some houses but spaces between houses seems to be hardstanding, designated for cars. If this is meant to be an example of good practice it is woeful¹¹. This illustrates the danger of design codes and this development cannot by any stretch of the imagination have climate safety and sustainability as its priority¹².

¹⁰<https://nansledan.com/about/about-nansledan/>

¹¹Even taking into account the full development plans to build services and facilities within the development, sustainability really should be built in from the start.

¹²The White paper is full of pictures of terrible developments, supposedly to illustrate beautiful, healthy places.

- 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?

We think local responsibility for engaging local people in development plans for their neighbourhoods would be an excellent idea. Whether this is what is meant in the White Paper is not clear. Perhaps what is meant are technical experts with no intention of engaging local communities? In which case we do not agree. It would be helpful, though, for local authorities to have a chief planning officer, given the crucial role of planning in managing development and land use in the public interest (as far as the system allows). Design and place-making are fundamental to good planning outcomes. Greater emphasis needs to be placed on planning for zero carbon, resilient development and ensuring we have a planning system enabled and resourced at a local level, and capable of engaging local communities, to deliver this.

- Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes. Measures to embed design quality and environmental standards in Homes England's activities and programmes of work would be welcome. However, these considerations should also be embedded in building regulations (which should remain important safety and health safeguards) and highways planning.

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

No. Sustainability should be the overarching priority and a beautiful development is not necessarily a sustainable one (zero carbon, enhances biodiversity, blue green infrastructure embedded, reduction in cars etc. See answers above). While good design matters, many factors determine whether a development is sustainable in terms of impact on the environment and host community. A fast track process would not be subject to the level of scrutiny required to fully assess the impacts of a proposal. And this scrutiny should be both retained and enhanced. Fast track could be given to community-led sustainable developments that are compliant with the local plan.

Pillar 3: planning for infrastructure and connected places

- Q21. When new development happens in your area, what is your priority for what comes with it?

This depends on the development. Affordable (by price) housing developments should be a part of all developments, supporting moves to mixed neighbourhoods. If 20 minute neighbourhoods were the standard, then all developments should be within walking distance of shops, services, schools, workplaces and so on. Green and blue infrastructure should be embedded and energy and water efficiency for all building high. Walking and cycling space should be greater than vehicle spaces. 20 minute neighbourhoods also have growing spaces, play and leisure spaces and social or community spaces. There are some exciting (mostly international)

examples of housing developments that include communal indoor spaces – such as washing, meeting and entertaining spaces. To future proof developments it will be necessary to have growing spaces close to housing. These kinds of places contribute greatly to carbon reduction and enhance community solidarity and thereby community resilience.

Community engagement should come with all developments – not just informing people but gathering their ideas about the developments. The planning system should support this and the National Planning Inspectorate should not undermine it.

Other: All of the above.

All these things matter and should be taken into account in plans and proposals: they should not be seen as either/or.

- 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?

No. We consider that the proposals, as drafted, may lead to a reduction in the amount of affordable housing developers provide.

Any changes to the current system will depend what threshold is set and this must be set in a way that developers can no longer engage in gaming by building successive parts of development in piecemeal fashion, under the target for contributions. It is important that all homes, including those delivered via permitted development rights, contribute towards to delivery of much needed infrastructure, including but not limited to affordable homes. In our view the target set for any infrastructure levy should be 5 housing units. There need to be deterrents to prevent gaming.

- Q22. (b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Possibly. They should not be linked to land values as this penalises those places where land is cheaper.

- 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?

More value, without a doubt. The overall aim should be to secure a greater proportion of the uplift in land value in order to support greater investment in sustainable infrastructure, affordable housing and local community facilities. However, whatever is planned should not support the variation in land values between north and south. Levy rates should not be linked to land values as this penalises those places where land is cheaper. Some modelling (to which the Government seems to be strangely attached) should be done to assess whether

there should be pooling between regions or even a different system altogether, such as land taxes. Basically, we need to see the evidence underlying the proposals.

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

We do not think that it is necessary to defer payment of levies until the development is completed, which is a green flag to delay developments if land values are likely to decrease. There are risks associated with councils borrowing against potential levy payments, which may not ever materialise. These proposals need to be re-thought.

- Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes. It is unfair that development delivered as a result of exercising permitted development rights is able to sidestep local policy requirements, development impacts and community needs for private gain.

Evidence from academics, sector representatives and the government commissioned research highlights the poor planning outcomes of some of the homes delivered through Permitted Development Rights¹³. Shortcomings include poor design; failing to meet basic space standards; poor residential amenity; lack of affordable housing contributions; impact on business; and lack of infrastructure. The best way to ensure the level of scrutiny required to address these unacceptable impacts on our environment, health and wellbeing is to require a planning application and scrap Permitted Development Rights other than for very minor development.

- 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?

We need to plan for the delivery of more affordable homes (affordable by price not in housing market terms) than we do at present. This requires developers to provide more by way of planning obligations and higher levels of direct public investment.

Section 106 agreements are currently a critically important route for delivering affordable housing and any new system must aim to secure at least the same amount of affordable housing and ideally more. We consider that much more detailed modelling and policy development needs to be undertaken to make sure that this commitment is met.

Loopholes whereby developers are able to avoid providing affordable housing or reduce the amount they provide on spurious grounds of 'viability' or as a result of exercising permitted development rights must be closed.

¹³See, for example Clifford et al., 2020 Research into the quality standard of homes delivered through change of use permitted development rights. MHCLG
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

Provision of affordable housing should be made a mandatory requirement that developers and landowners factor in from the outset when devising schemes and remain committed to on delivery.

The government should look at increasing overall social and affordable housing requirements through planning obligations. Therefore it makes no sense to reduce requirements for small and medium size housebuilders, as government is proposing (see our response to the separate consultation regarding 'Changes to the Current Planning System' which closed on 1 October).

- 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?

No, the infrastructure levy should be separate from affordable housing provision and right to purchase at a discounted rate (which is not a provision that is helpful for those in need of housing in the north, where salaries are low). Affordable housing should be provided on site, with the aim of delivering mixed tenure communities where possible.

- Q24. (c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

We do not think in-kind delivery is appropriate.

- 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?
- We do not think in-kind delivery is appropriate.
- Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

The levy should be used to meet local need.

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

Affordable housing should be separated from the infrastructure levy, so there should be no need to ring fence in this manner.

- 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?

It is not our job to do the Government's work on equality impact assessment. We are disappointed the White paper has not been assessed for equality impact to understand the potential impacts of these proposals and published it alongside the consultation.

Nevertheless, we are concerned that these reforms, were they to go ahead, would disproportionately affect vulnerable groups. This would be the result of a planning system that is poorly designed to cater for their needs, which restricts councils and people in neighbourhoods in setting local policy and where a key stage of the planning process, whereby communities and councils have their say whether development can go ahead and if so, in what form, is to be omitted. The failure to set climate safety as an overriding planning objective will disproportionately affect many groups with protected characteristics, as well as those living in poverty.

Local plans should be made more accessible and transparent and digital tools have a role to play in that. But we know that the preparation of local plans often marginalises certain groups¹⁴. These proposed reforms will not do anything to ensure that spaces are designed to be sensitive to the diverse needs of different groups, or to promote inclusion. Those sections of society who are less focused on accessing information digitally should not be excluded from processes – we know from the COVID experiences that digital exclusion is a major issue in many areas.

Furthermore, it is young people who will benefit most from planning decisions today, and a modern planning system would have embedded into it mechanisms for taking their views into account.

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¹⁴London Planning for a Just Society? Exploring How Local Planning Authorities Are Embedding Equality and Inclusion in Planning Policy. TCPA, Oct. 2019. <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=a74198b6-39fe-4378-86e1-f1fdf3b9dd>