



GENERAL COMMENTS

These proposed change to the planning system come after a major change in 2012 when over 5,000 pages of detailed planning guidance was withdrawn and replaced by the concise National Planning Policy Framework, (NPPF).

There have been subsequent changes including a significant extension to permitted development rights with a number of undesirable consequences including substandard housing conversions and excessive domestic extensions. There have been some very unneighbourly developments and months or even years of disruption and deterioration of residents' amenity and quality of life.

- This White Paper contains many unverified (and in some cases unverifiable) statements about the current system and its supposed failings. Nowhere does it suggest that Government cuts in funding to local authorities combined with austerity since at least 2010 might have reduced the capacity and capability of the system. Nor that the many changes introduced since 2010 might also have had an adverse rather than a positive effect.
- It contains many statements of "good intent" and radical proposals for the future. There are no proposals for how we are to step seamlessly from the current approach to the new approach (transitional risks, impacts and costs). Or for how all the new ideas are to be delivered effectively.
- Most of the individual questions are very particular and do not give an opportunity to respond directly to many of the more radical proposals in the document.

The essence of the planning system is balancing a diverse range of competing interests in the development of our country. Any substantial development has very long term consequences. The two biggest challenges facing our country (and the whole of the world) are the effects of climate change and the reduction of bio-diversity (the extinction of species). Any proposals for reforming the planning system should be based on a sustainable response to those challenges. It is not apparent that these two fundamental challenges have been addressed in this White Paper.

There is clearly a need for more decent, sustainable and affordable homes. Over recent years there has been a growth in multi-home ownership among the more affluent and in the total amount of housing space available compared to the total population; whilst many of the less affluent have been locked out of home ownership or secure tenure and into substandard rented accommodation, or none at all.

Any proposals for reforming the planning system should be based on a sustainable response to deep and wide housing shortages, particularly around the metropolitan areas, to enable wider participation in the benefits of secure tenure and home ownership. It is not clear that these aspects of market failure have been addressed in this White Paper, which is focussed on a simplistic remedy – to keep building more and more houses.

Taken together the proposals in the White Paper seem to be focussed on the needs of commercial developers to secure as much land as they like, wherever they want, to allow them to build whatever they think they can sell at a profit. Significantly, the proposals do nothing to encourage developers to build once they have permission. Where permission has been granted for housing, then there should be a simple process to penalise them when they delay building and sit on planning approvals.

Overall, we consider the proposed three zones will not be fit for purpose. Local residents must always be able to comment reasonably, and their views be taken into account in any development or proposed changes that affect their properties, gardens and quality of life.

Apart from the simplistic zoning into three broad categories, the White Paper proposes a number of major technical and technological developments which are going to require a very substantial investment of time and resource to develop, test and implement. There is no suggestion about how these are to be provided or funded. Without them, the rest of the proposals are a developers' charter for irresponsible building.

Although the proposals suggest increasing local participation and involvement, the mechanisms by which this are to be achieved are not presented. The current system has evolved to allow public participation throughout the various stages. One reason why it can be protracted is that the public does have strong views and these can be expressed and have to be accommodated. The proposals to streamline the processes will inevitably reduce the quality of public involvement and participation. In section 1.16, it is stated that more democracy is required. These proposals suggest less, in having tighter timelines and allowing detailed information to go through without scrutiny in the "Growth" or "Renewal" zones.

We have enjoyed a close relationship with our local planning authority in the development of our local plan and our neighbourhood plan; which was adopted following overwhelming public support in the local referendum. We also enjoy a close relationship with them in considering planning applications which, in the large majority, fit comfortably with our local plan and neighbourhood plan. Neighbourhood plans must continue to be a very important part of the planning policies and there must not be a mechanism to bypass them as proposed in this White Paper.

The White Paper contains a statement that the Green Belt has been protected. This is not true, in Croxley Green two substantial sites have been taken out of the Green Belt in the last eight years forced by the need for development. They are at Killingdown Farm and Croxley Danes School.

There is repeated reference to new digital tools. The whole planning process is on line these days, so gradual improvement is fine. There is no need to spend millions on developing a major new national system that could end up being difficult for residents to access.

In section 1.8, it states that the UK commitment for carbon neutral housing is "world beating". This is shameful, considering we did have a commitment for all new housing to be carbon zero by 2016, and this has been dropped and put back to 2050. We are behind all northern European countries.

We agree with developing a higher quality of housing, and this consultation calls it beauty. However there is a risk with national codes of making everything look the same. Local advice on housing design should be in the Local and Neighbourhood Plans. Control of the quality of housing should be in the Building Regulations, which have been significantly weakened over past years. Planning, building design and the Building Regulations should work seamlessly together to ensure the quality of the all new development and any redevelopment or adaptation of existing buildings.

The Infrastructure levy should be charged on all developments and on any land where value is increased due to a permitted change of use. All necessary infrastructure should be put in place before any significant development or redevelopment takes place.

Taken together, the proposals in this White Paper seek to overthrow a system that has worked well for our community and our neighbouring areas and replace it with an untried and untested approach which we fear will do great harm to our neighbourhood and community without addressing the important environmental and social issues which should be at the heart of a sustainable and socially responsible planning system.

Finally, we recommend that the assumptions about the volume and location of required homes' building be scrutinised and revalidated. This is in the context of societal changes (social distancing, remote working, online shopping) encouraged by the spread of effective broadband internet access and amplified by the coronavirus pandemic, that, at the time of writing, shows no evidence of abating. In particular we would seek confirmation that the need for housing in metropolitan areas and the South-East remains despite the trend towards remote working in the knowledge-based industries.

Our detailed answers and comments on the specific questions follow.

DETAILED RESPONSE:

PILLAR ONE – PLANNING FOR DEVELOPMENT

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

A1: Democratically accountable; Under-resourced; Unbalanced.

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

A2: YES

The Parish Council is formally consulted on all proposals and applications and we have prepared a Neighbourhood Plan which has been formally adopted following referendum.

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?

A3: Online news

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

A4:

1. The environment, biodiversity, and action on climate change.
2. Increasing the affordability of housing.
3. Protection of green spaces.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are Protected.

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

A5: NO

The proposals are far too simplistic and do not give enough importance to the consultation which would need to be done carefully when balancing interests, including protecting green spaces, in an already developed area such as Croxley Green which is surrounded by green belt.

Overall, we consider the proposed three zones will not be fit for purpose. Local residents must always be able to comment reasonably, and their views be taken into account in any development or proposed changes that affect their properties, gardens and quality of life.

Growth zones. Should only be used for New Towns or Garden Villages in areas where there is limited impact on existing settlements.

Renewal zones. Look more appropriate for a large brownfield site that has been earmarked for regeneration where there is limited impact on local residents.

Protected zones. This should cover the whole area of Croxley Green. Any development, whether a medium sized one, an individual property, or building adaptation or extension can have devastating effects on the lives of other residents. Therefore, every change should require a full planning application to ensure they are suitable. We suggest that this category is appropriate for all existing settlements and their immediate environs, whether towns, villages or cities.

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

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

A6: NO

If any tighter timelines are put in then the process must be simplified as well but Neighbourhood Plans should have precedence. Local knowledge and insight must be locked into the process as well a more strategic approach to sustainable development.

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

Q7(a): Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

A7(a): YES

On the basis that the proposal is fully consulted on and local concerns are given prominence. To be truly sustainable, development needs to be planned irrespective of local authority boundaries and land ownership. The really difficult task will be to define what is meant by “sustainable development” in terms of the planet’s ability to meet our needs sustainably for future generations.

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

A7(b): A formal Duty to Cooperate should be mandatory and must be retained.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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

A8(a): NO

The proposals refer to a standard method for establishing housing requirement but we would like to see far greater clarification in respect of planning constraints. Two examples –

- Presumably, as three quarters of Three Rivers is Green Belt, this is a planning constraint and should be factored into the equation?
- As Three Rivers is one of the least affordable districts in the country will it be required to accommodate a huge slice of new affordable homes? If it is, the economics will surely mean high rise development.

This issue has been thrown into relief by Covid19. If the reported trend to move away from conurbations to more rural locations, indicated by housing market activity since the first lockdown, is a reality (not estate agents' 'puff') then a minimum requirement is that housing needs are revisited before any new planning system is installed. The design of the current system is predicated on a continuing annual demand for many hundred homes to be built locally. The location and type of new homes required to meet the changed market conditions should be established, based on accurate and up to date data.

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?

A8(b): NO

The indicators are far too simplistic and there should be an assessment of needs taken from the underlying data.

A streamlined development management process with automatic planning permission for schemes in line with plans

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

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

A9(a): NO

It would only be acceptable if “growth areas” are very limited in extent and targeted on places suitable for New Town or Garden Village style development, or a large brownfield site that has been earmarked for development for several years with a clearly developed Master Plan. Otherwise, instituting an assumption of approval for development in so-called “growth areas” risks a collusive approach between developers and planners - *vide* the Secretary of State’s dinner with a developer (Richard Desmond) before overruling a local authority and the government planning inspectorate to give permission for the Westferry property development. Defining zones as “growth areas” could lead to an unbalanced alignment of public (local authority) and private (developer) interests, a threat to planning input from local communities and wider the public interest. Encouraging planners to be disposed to agree to a developer’s requests uncritically is an unhealthy alliance of interests.

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

A9(b): NO

The two areas are not homogenous, should not be grouped together and there needs to be general presumption against development with a multistage process for obtaining permission. Each planning application should be considered on its own merits when proposed in any area of existing settlement. We do not support any automatic or presumptive approval in either renewal or protected areas.

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

A9(c): NO

The regime is not built specifically for housing and as result will ignore local wishes and Neighbourhood Plans already in place. Would be better to use the existing development corporation approach where new settlements are planned.

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

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

A10: NO

The existing permitted development rights are already far too wide. They should be restricted, and the planning system divided into streams to allow appropriate scrutiny of all proposals, whether very minor, or more substantial. Simplifying the information requirements for the different streams. Local authorities need to be given adequate time to consult and consider the proposals. Once built, these developments are there decades or centuries and the process must not be rushed. Preference should be given to people not developers' profits.

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

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

A11: YES

Providing that it does not make plans created under the previous method redundant and builds upon making improvements to the existing system.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

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

A12: NO

We question whether there will be the resources to produce a satisfactory Local Plan and engage in meaningful consultation with local communities. Only acceptable if there are adequate resources in place to do a good job quickly. If the process is to be speeded up, then it also needs to be properly resourced.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

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

A13(a): YES

A huge effort went into finalising the Croxley Green Neighbourhood Plan but the White Paper proposals will render it useless in its current form. We question the limited value of a revised Neighbourhood Plan under these proposals when development management policies will be set out at a national level. Existing Neighbourhood Plans must be included in new Local Plans and a simple method provided to review and renew Neighbourhood Plans

at regular intervals. Neighbourhood Plans should be strengthened and given more flexibility to have wider policies and aims for the local area.

Q13(b): How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

A13(b): More freedom should be given to those creating Neighbourhood Plans to develop sensible policies for their areas. If local volunteers are to be involved in the process, it must be simple. Whilst digital tools can be supportive, the cost of developing anything specific is likely to be expensive. Therefore, simple on-line tools that communities can use would be helpful. The provision of a template, 'marking' structure, appointment of a planning authority 'mentor', would help to guide the process along with continuous assessment, rather than only a final review.

Proposal 10: A stronger emphasis on build out through planning

Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

A14: NOT SURE

The greatest obstacle to rapid development is the hoarding of land banks and planning permissions by developers and landowners. A simple tax system could address this. Before final planning permission is given the developer must supply a realistic programme for the development with financial penalties for slippage in delivery. If a developer is forced to hurry, there is a risk of sacrificing quality for speed. Equally an accelerated planning decision process, without due time for reflection will ride roughshod over local people's opinions. Where CIL is needed to provide supporting infrastructure, and the planning body doesn't spend it for the purpose, the affected area could end up with a patchwork of poorly considered developments.

PILLAR TWO – PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

Q15: What do you think about the design of new development that has happened recently in your area?

A15: The Croxley Green Neighbourhood Plan has improved the overall standard as developers are given the Plan by the local planning authority which helps steer them towards a better standard of development more in keeping with local needs. However, recent developments have quickly become overcrowded with parked cars; which is very far from the vision of tree lined avenues. Some individual properties seem poorly constructed with small rooms with a low performance in environmental terms. Overall the quality of design is mediocre .

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

A16: OTHER – Improving the energy efficiency of the existing housing stock

Croxley Green has a majority of older housing that is poorly insulated, hard to retrofit (although that may be obligatory in due course), mostly heated by fossil fuels, lacks space for useful air or ground effect heating and contributes a disproportionate amount of carbon dioxide to the atmosphere. Unless a whole new 5,000 dwelling settlement is built locally the amount of new house building in this parish is likely to average in the tens annually, and so of less importance than impact of the 5,000+ existing homes.

However we dispute that “sustainability” is at the heart of the proposals. All new building, any conversions, and any substantial extensions must be built to the highest possible standards of energy efficiency, without exception or delay.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

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

A17: YES

However, there are already a lot of useful guides and they should not be discarded.

We agree with developing a higher quality of housing, and this consultation calls it beauty. However there is a risk with national codes of making everything look the same. Local advice on housing design should be in the Local and Neighbourhood Plans. Control of the quality of housing should be in the Building Regulations, which have been significantly weakened over past years. Planning, building design and the Building Regulations should work seamlessly together to ensure the quality of the all new development and any redevelopment or adaptation of existing buildings.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

A18: NOT SURE

A new national body to support the preparation of locally-popular design codes would be useful although this should not come at the expense of having suitably experienced staff in individual local authorities. There is a need to strengthen local authority control over the whole process and provide the funds to pay for well trained and experienced staff in both planning and building control, which should be seamless for the users. Current legislation divides the process making both parts ineffective and outsourcing building control has reduced effectiveness. Once adopted, Neighbourhood Plans should have priority and local authorities must follow them and the Local Plans. Is a chief officer for design and place-making intended to be in addition to a chief officer for planning? If additional chief officers are required, additional funding will also be required for them and any additional staff.

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

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

A19: YES

Providing that there is local ownership and not just pastiche national guidelines. Homes England should consider quality as well as affordability. Design is always tricky, as taste differs, but performance standards should be specified.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

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

A20: NO

It should instead be part of the overall planning process and considered alongside all other aspects of the proposed development. Tastes differ and any definition of "beauty" is likely to

be both difficult and controversial. If a proposal meets local approval, it is likely to get through the planning process much quicker than one considered objectionable.

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.

All new building should be to zero carbon standard immediately. There is currently a detailed planning application for a 160 unit development in Croxley Green to a substandard environmental quality compared to what could be done for approx. 2% extra cost. These houses will be here for a century or more and will have to be retrofitted to a higher standard at considerable extra cost within a decade or two. The Government should heed the advice of specialist organisations such as the BRE.

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.

We accept the need for a new framework that will reduce duplication and could thereby speed up decision making but the new framework must not allow the standard of protection to slip or lead to more environmentally damaging development

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

The present system to preserve historic, listed buildings and conservation areas, based on clear criteria around their significance has served us well. Listing does not freeze the site and prevent change, it simply controls, in a balanced manner, the extent to which sympathetic changes may be made. We have grave concerns about allowing “suitably experienced architectural specialists” to have autonomy from listed building consents. The whole purpose of the current system is to allow the public to comment as part of the decision making process.

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.

The technology is already available to construct zero carbon homes, and a lot of countries already do this. There is no reason to delay, a legal requirement could be introduced almost immediately.. There was draft legislation in to require zero carbon housing by 2016, which was abandoned. This could be reintroduced with guidance from specialist organisations such as the BRE.

PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES

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

A21: More or better infrastructure (such as transport, schools, health provision)

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Q22(a): Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

A22(a): NOT SURE

Currently there is too much flexibility which enables developers to negotiate lower payments and then wriggle out of their commitments. The consolidated Infrastructure Levy will have to be set much higher if it is to contribute to both necessary infrastructure and affordable housing.

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

A22(b): Nationally at an area-specific rate, or locally determined.

Q22(c): Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

A22(c): More value.

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

A22(d): YES

Adequate infrastructure provision should be a first consideration before the development of any site.

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

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

A23: YES

All material development and Permitted Development Rights should be severely curtailed to prevent some of the horrors perpetrated in recent years. Any change that creates value should be shared with the Local Planning Authority. For example, converting offices to housing is still a material development and should attract the Infrastructure Levy.

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

Q24(a): Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

A24(a): YES

We should aim to secure more affordable housing. Affordable housing is desperately needed in the local area and South and East of England more generally. There should be as large a provision as is possible for each site. If market conditions change and the developer is unable to secure the profit to subsidise the affordable housing, the local authority should have powers to take over the whole development, build it out, and carry the longer term risk.

Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

A24(b): NOT SURE

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

A24(c): YES

Q24(d): If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

A24(d): YES

The Government should define minimum standard requirements for affordable housing quality.

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

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

A25: YES

Any additional flexibility should be extended to the Neighbourhood Share but the Infrastructure Levy must be ring fenced away from subsidising service delivery and invested wisely in well thought through infrastructure improvements to support the approved development, the wider community, and affordable housing.

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

A25(a): NO

The decision should be made locally with local authorities given the freedom to decide.

Delivering change

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

NO QUESTIONS

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

NO QUESTIONS

Q26: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

A26: Developing a new planning system, including the consultation process should only be undertaken on the premise that nothing is done that may adversely affect the rights of persons with protected characteristics (as designated in S149). Any new planning system should be designed to apply fairly to all parts of society including demography (race and social class), social economic factors, and geography (location) having due regard for difference (levelling up not down). All consultations of this kind tend to be most accessible to educated, middle class, and older people. This consultation requires a level of understanding of the current planning system far beyond the average member of the public, posing extremely complex technical issues, therefore excluding most from meaningful involvement.

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