



PLANNING FOR THE FUTURE WHITE PAPER 2020

Response of the Barnet Society

29 October 2020

INTRODUCTION

The Barnet Society is a non-political organisation with some 600 members that seeks to influence local and central government on aspects of planning and the environment in and around the parliamentary constituency of Chipping Barnet.

This submission complements our responses to the questionnaire in the Planning White Paper (PWP), which have been submitted online.

We support the comments submitted separately by the London Forum, London Green Belt Council, CPRE and the Barnet Residents Association. Rather than repeat them, we focus on points of particular concern to the Barnet Society.

SUMMARY

Aspects of the PWP that we support

- Some streamlining of the planning system
- Better enforcement of planning law
- Recognition of the need to upskill and adequately resource the planning service.

Aspects of the PWP about which we have particular concerns

- Its basic premise that the present planning system is outdated and ineffective
- Excessive focus on housing, and especially the market sector
- Too little regard to wider planning challenges of the 21st century
- Significant omissions
- Disruption
- Delivery
- Public consultation.

These concerns are expanded below.

PARTICULAR CONCERNS

1. Basic premise

We do not agree that the present system has entirely lost public trust. As a Society, we are involved at all stages of the planning system, from policy (in Barnet, London and neighbouring LPAs in the Metropolitan Green Belt) and scrutiny of planning cases to

enforcement and responding to members' concerns about other building, landscape and environmental issues, yet we do not recognise many of the 'problems' identified by the PWP.

Our frustrations with the system stem largely from the under-resourcing of our own Council's planning department (LB of Barnet), compounded by its outsourcing. The most obvious consequences have been churn of staff, inexperience of more junior officers and reluctance to engage with the public.

In our experience public mistrust chiefly arises when deals appear to be done between councils and developers behind closed doors, when councils contravene their own policies and when planning decisions are not enforced.

2. Housing

The PWP's vision is not simply focused mainly on housing, it is focused almost exclusively on private housing, and to a lesser extent affordable housing. According to the Greater London Assembly, affordability has become an almost hopeless aspiration for all except 2% of Londoners. The priority given to First Homes would reduce this fragment of the market even further.

The Local Government Association points out that more than a million homes given planning permission over the last decade are yet to be built. The PWP provides no evidence that substantially increasing market housing delivery would make any significant difference to affordability. It also says very little about the issue of slow build-out.

We are also concerned that, by its over-riding emphasis on home ownership and prioritisation of First Homes, the PWP is inherently discriminatory, since a disproportionate number of those on low incomes and/or from some BAME backgrounds (including many key workers) would be excluded.

3. Wider challenges

For a paper proposing radical reform of the planning system, it says surprisingly little on strategic regional planning, for example redressing regional disparities, new forms of transport, land reclamation or power generation.

A 'root and branch' reform of planning cannot realistically be achieved without starting with some idea of the strategic economic context at the national and regional level. It is not enough to see planning purely as a mechanism for providing houses in property hotspots or economic boom areas.

The other wider challenge is climate change. Planning reform needs to take seriously the inter-related issues:

- Greening the construction process. (Cement alone accounts for 8% of the world's CO2 emissions: there are alternatives!)
- Encouraging repair and adaptation rather than redevelopment, e.g. via VAT reform (currently new-build is zero-rated, whereas repair pays the full rate)
- Ensuring buildings are better equipped to withstand new weather patterns
- Building for low energy use in terms of location and infrastructure as well as energy use to run buildings.

4. Omissions

- The future role of planning committees

- Metropolitan Open Land (not mentioned in the PWP)
- The role (if any) of compulsory purchase (not mentioned in the PWP)
- The implications for appeals
- Alternative forms of tenure and self-build (mentioned only once)
- Social housing. The PWP's avoidance of the subject would be comical if it were not such a serious oversight.

5. Disruption

Whatever the merits of the end result, implementation of the reforms would be deeply disruptive. The future of the London Plan and Barnet's Local Plan – long in preparation and consultation – is now in doubt. Council planning departments would have to be reorganised. Drawing up design codes is likely to be problematic, lengthy and costly. It would take years before the new system is fully working. Meanwhile, much damage would be done.

6. Delivery

The disruption of the existing system, coupled with economic slowdown over coming years, would make delivery of the Government's housing target unachievable.

7. Consultation

Many aspects of the PWP are fuzzy, but one stands out: in para 1.16 (3rd bullet), it states, **...we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes...**

We object to the use of *streamline* when what is meant is *reduce* or *eliminate*.

The assertion devalues the serious and informed views of bodies such as Conservation Area Advisory Groups and long-standing and respected amenity groups such as our own. Our remit is to improve the quality of development. Our criteria include character and local distinctiveness, conservation of heritage assets, quality of design and materials, provision and protection of open space and local amenities and the fostering of thriving town centres. These surely overlap well with the PWP's objective for beauty.

It also exaggerates the influence public comments have. As a Society, we object to no more than 5% of all local applications, and around three-quarters of our objections are supported by our Council. Nationally, the Local Government Association states that nine in ten applications are approved by councils.

Finally, we strongly object to the deliberate silencing of democratic voices.

RESPONSES TO SPECIFIC PROPOSALS IN THE PWP

Our comments and concerns about individual proposals are detailed below.

Pillar One – Planning for development

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.

We are sympathetic to streamlining of Local Plans, but not at the expense of due diligence. There may be some mileage in adopting certain national standards and avoiding repetition.

Without knowing more about the criteria for allocating land into each area, we cannot reach a view about the three types proposed. The housing targets already mooted would put our area under undue development pressure, which may drive poor decisions about which areas in Barnet were designated as Growth/Renewal/Protected.

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

Certain national policies (properly justified) would be helpful, but it would be essential to retain some local policies to address local circumstances, e.g. affecting heritage assets or other public amenities.

The new-style Local Plan would need to 'show its working' so that specific local policies and the allocation of sites and the form of development (use, height, scale, etc and the content of design guides) was evidenced and justified, and the LPA capable of being held to account.

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

Our view on a single 'sustainable development' test would depend on its content, which is unclear. It must be consistent with the NPPF's holistic interpretation of sustainability.

The alternative option discusses the scope for 'reserve sites.' It is doubtful that these could in practice be treated any differently from identified land without causing blight or speculation.

... the Duty to Cooperate test would be removed.

If the Duty to Co-operate is removed, it must be replaced by some other requirement to deal with cross-authority issues. We would favour a joint commission (or similar body) of Mayor of London and adjoining LPAs.

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.

The algorithm proposed in *Changes to the Current Planning System* would, as it currently stands, result in undeliverable targets for many LPAs including our own (LB of Barnet).

Regionally-set targets would be acceptable to us. These would, however, require collaboration between LPAs and Mayors. In our case, this would involve LPAs both in and around London over planning of sustainable growth centres and corridors.

As important as quantity is provision of the right range of size and type of tenure to meet the diverse needs of each locality. The PWP fails to recognise the importance of social housing, the potential of LPAs to provide them, the difference between demand and need, the problem of speculative investors, and the ever-rising threshold of affordability. Affordability across London is also considerably distorted by market investment, whether buy-to-let or buy-to-leave.

Definition of urban areas would be highly contentious. For example, our area is distinguished by a substantial proportion of open space, much of it protected by Green Belt or other status.

The proposed methodology and algorithm do not take into account the impact of decisions taken at national level which may affect housing need dramatically, such as the moving of government establishments, or stimulate the supply side, such as the creation of wholly new settlements by central initiative or the release of publicly-owned land for development (as outlined in the PWP pp 68-9). Overall, the PWP seems content to accept being a prisoner of market conditions.

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.

Mere allocation of land does not and cannot identify adequately the constraints in place (ground conditions, contamination, drainage, archaeology, species and habitats, etc).

In Barnet, we know of no sites where permission should automatically be granted. Our potential Growth sites are limited in size, and often embedded in complex and sometimes historic settings. These demand the thorough investigation and careful design that only full planning applications can ensure. Blanket designations of building use and height would be undesirably prescriptive.

Protected areas should include not simply Conservation Areas, Green Belt, Metropolitan Land and Wildlife Sites but their settings, since their value would be degraded if they were bordered by a rash of Permitted Development. We are content with the proposed consent arrangements for Protected Areas.

In Renewal Areas (which we assume would constitute the great majority of our residential areas) their intricacy and character is already threatened by proliferation of Permitted Development, so existing (or similar) approval arrangements must be retained.

Reaching agreement on Growth, Renewal and Protected areas could be very contentious, given its impact on property prices and neighbourhood character. This will be exacerbated by the removal of the right to comment on specific applications brought forward for sites benefitting from automatic permission.

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

The PWP seems unaware that the online Planning Portal has been providing a generally reliable service for years, as have the planning pages of our own Council (LB of Barnet) website.

Due regard needs to be given to the effort involved in assessing applications, especially large and complex proposals and those which are of poor quality. Addressing strains in the present system by means of penalties for local planning authorities will not help.

...the delegation of detailed planning decisions to planning officers where the principle of development has been established....

Since many decisions would be left to more junior planning officers, we foresee more appeals against refusals of non-compliant applications.

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

No comment.

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.

A 30-month turnaround for Local Plans including 'Best in Class' engagement would be welcome, but would only be achievable with additional Government resourcing. Some of this should be directed towards more public education. Councils should also be more willing to share information and explain planning options – and their funding implications – honestly. Without these, most lay citizens will have no incentive to participate.

We would resist the option for removal of examination stage in favour of self-assessment.

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.

While not opposed to NPs that already exist, we are concerned that extending their number would be a recipe for planning delay. Neither of Barnet's two NPs has been formally adopted yet, despite years of work. Such slow progress inspires little confidence in expansion of their number.

Devolving the concept to a street-by-street level could bring about social division.

Proposal 10: A stronger emphasis on build out through planning. [i.e.] masterplans and design codes for sites...for substantial development...should...include a variety of development types by different builders which allow more phases to come forward together.

We know of numerous developments in our area that were approved some years ago but have yet to complete, due mainly to developers' slow release of housing. In London, we understand that there is a backlog of some 300,000 unimplemented consents. The Letwin Report on this subject was published two years, so we are disappointed that the PWP contains no measures deal with the problem.

We believe that the system could do much better. There should be penalties for failure, not just incentives for the housebuilding sector, such as a proportion of the CIL becoming payable for schemes not implemented.

Developments with more mixed tenure and social housing would be less constrained by market conditions and thus quicker to build out.

Pillar Two – Planning for beautiful and sustainable places

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.

The production of design guides and codes is drawn out and requires considerable resources of time and expertise. They need to focus on the functionality, construction and impact of buildings, not just on their outward appearance. They also need to be consistent

with Building Regulations and other standards, e.g. for adequate space, light, ventilation, safety, escape, maintenance, etc.

Their success would be subject to adequate Government resourcing, since LPAs are already over-stretched and under-resourced. They are likely to take years to complete, by which time many applications will have gone through.

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.

We support both proposals. The chief officer for design and place-making should be a design professional.

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.

We support this.

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.

This intention is fine, but without details of how it would work we cannot comment.

We resist the proposal to allow redevelopment of existing buildings to retain their form but with greater densification. We need not only protection for listed buildings, Conservation Areas, etc, but a presumption in favour of retention of serviceable buildings rather than demolishing and redevelopment. That makes sense in terms of embodied energy and carbon; but also, in most cases, because pound for pound, more net usable space will be achieved by retaining an existing building than devoting the investment to a wholly new building elsewhere.

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.

This is rather vague, but any measures that clarify the respective responsibilities of Government and LPAs and add urgency to achievement of global sustainability targets would be welcome.

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.

The planning system needs to address the natural environment as a system, not just focus on the most valuable and important habitats and species. The proposal to reduce the need for site-specific surveys is unlikely to be tenable given that existing data is often not sufficiently localised, granular or up to date. It is rarely possible to predict in advance exactly what will be found on any site.

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

The conservation sector has demonstrated very effectively how existing building stock can be adapted to meet energy-saving standards. Repair is intrinsically a low-carbon/low-energy approach as opposed to redevelopment. This needs to be encouraged through VAT reform.

The focus on beauty and outward appearance elsewhere in the PWP should not result in a uniform or 'exterior-only' approach to how buildings should look. That is particularly important for historic buildings, where the whole of the fabric is intrinsic to significance, not just the exterior.

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.

No comment.

Pillar Three – Planning for infrastructure and connected places

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.

We do not support changing payment of developer obligations from commencement to completion of development, because of the delay and risk to delivery of social infrastructure and affordable housing, unless a Government loan fund were to be set up to bridge LA funding. For larger projects, we would prefer collection of the Infrastructure Levy at the start of each phase.

There is a need to retain a mechanism (available under S106), in enabling development cases where there is an urgent necessity to secure a heritage asset, to require upfront financing by the developer.

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

We support this.

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

We support this.

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

We support this.

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:

5.17. The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

5.18. Planning fees should continue to be set on a national basis and cover at least the full cost of processing...

5.19. If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs...

5.20. Reform should be accompanied by a deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process.

5.21. Some local planning activities should still be funded through general taxation...

5.22. Local planning authorities should be subject to a new performance framework...

5.23. The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance.

5.24. Workforce planning and skills development, including training, should be principally for the local government sector to lead on...

5.25. Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity...

No comments on 5.17-25.

5.26. In developing this strategy, we recognise different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered. We would particularly want to see innovative solutions which can transform practice.

We support this, but it would require adequate resources for design training, new technology and reorganisation.

5.27. At the same time, we also want to enable a thriving PropTech sector.

No comment.

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

Breaches of planning law and failure to enforce it undermine the credibility of any planning system. In our area these abound, to the discredit of our local planners, councillors and the Government. We would welcome more powers to address intentional unauthorised development, higher fines and more enforcement activity, provided that they are legally enforceable and resources are made available to use them.

CONCLUSION

The PWP's proposed reforms purport to be radical in scope and effectiveness. In reality, it fires a scatter-gun of remedies at a limited – and sometimes imagined – set of problems.

It barely addresses the realities of a post-Covid world on the edge of a climate emergency.

It risks major disruption to a system that is not perfect, but is capable of fine-tuning. We don't need 'world-class' solutions; ones that simply work better would be welcome.

In the short term, it risks failing to meet the housing target the Government sets itself. In the longer term, it risks undermining public faith in planning.

There is time to rethink, and we urge the Government to do so.

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The Barnet Society