

TISBURY PARISH COUNCIL
THE READING ROOM
HIGH STREET
TISBURY
WILTSHIRE
SP3 6LD

28th October 2020

Planning for the Future Consultation
Planning Directorate
3rd Floor, Fry Building
2 Marsham Street
London, SW1P 4DF

Please see the appended response from Tisbury Parish Council to the consultation on the White Paper entitled "The Future of Planning".

Thank you.

A handwritten signature in purple ink that reads "Sandra Harry". The signature is written in a cursive style with a large, sweeping underline.

Mrs Sandra Harry – Clerk to Council

APPENDIX:

This response should be read in conjunction with the document found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf

Q1 no response.

Q2 Yes – we are a parish council.

Q3 Online news

Other – All of the above are important, plus there's nothing wrong with fixing planning applications to lamp-posts. They are a very effective means of bringing applications to the immediate attention of neighbours and the local community. The exclusive use of Internet Technology is actually quite divisive and is not inclusive – it disenfranchises and discriminates against sectors of society and is therefore illegal, with regard to the Equality Act (Age discrimination and potentially religious discrimination).

Q4 The development of active, connected communities with appropriate infrastructure and good numbers of integrated affordable housing.
Better, enforceable standards of design and planning of new homes
The development of new housing that is energy efficient and zero carbon to run with on-site renewable energy.
Other – All the above are important and it's ridiculous to expect respondents to prioritise as so many of the above factors are inter-dependent.

Q5 No

We agree that Local Plans could be simplified but we strongly disagree with the proposals, which will not necessarily deliver against the objectives. The creation of three relatively arbitrary zones is far too simplistic for the complexities of planning, especially in rural areas. Planning in villages is particularly sensitive to local characteristics which would not be well-served by a one-size-fits-all approach. The planning system needs to retain its flexibility and scope for interpretation of policies in order to reflect local circumstances.

The imposition of a statutory 30-month deadline will lead to insufficient, rushed, sketchy and meaningless token-gesture consultation. Imposing these rules will result in a system which is even more draconian than at present. There is nothing wrong with Local Plans defining local policies for their local areas, rather than being straight-jacketed by prescriptive National rules, which have no local relevance.

If the aim of simplifying the planning system is to increase housing delivery, then Government should tackle the developers who land-bank, and devise an effective system to force them to build out the sites for which they already have planning permission. The most effective sanction would probably be a land tax, to penalise owners and developers of allocated sites who have obtained the planning permission but are doing nothing about them, other than waiting for the land to go up in value.

Q6 No

Not entirely. We agree that there is no need for the Local Plan to repeat policies already stated in the NPPF but the local policies are important. In addition, this section appears to imply that the only ongoing role for Neighbourhood Plans will be to produce local design guides and codes to reflect local character and preferences about the form and appearance of development. Whilst these issues are important, nevertheless this would represent a watering down of the scope of Neighbourhood Plans which to date have been derived from lengthy and painstaking consultation with the local community. Neighbourhood Plans need to be given more credence, not less.

The emphasis on IT algorithms as the basis of decision-making is too simplistic and will inevitably lead to crass automated decision-making based on "computer-he-says" rather than sensitive decisions taking into account local knowledge, consultation with and consideration for the local community.

Q7a No

A single consolidated test of "sustainable development" may be a worthy aspiration but it cannot address every possible planning situation. There is no clear statement of what the policy issued by the Secretary of State might say, so how can anyone respond to this proposal without full disclosure.

Consideration of environmental impact is very important and a more streamlined process for assessing the environmental impact of planning applications would be welcome but not at the expense of due and proper consultation with the local community.

Q7b What's wrong with the formal Duty to Co-operate? Maybe it led to protracted discussions, but nevertheless communication and co-operation between local planning authorities is important. There are some issues, particularly around infrastructure and the environment where it is essential that local authorities should co-operate and negotiate, otherwise nothing will ever get done.

Until and unless the Duty to Co-operate is replaced with robust policies within the NPPF, the Duty to Co-operate should be retained. The obvious solution is to incorporate the Duty to Co-operate as a clear policy in the NPPF.

Q8a No

The proposal that "a standard method for setting housing requirements would drive greater land release" is a bizarre non-sequitur. Precisely HOW would that happen any more quickly or definitively than it does now? A simplistic mathematical model is entirely inappropriate and will not be helpful. What is needed is a clear and agreed target for housing numbers over the period of a Local Plan which, having been set, is then adhered to so that there is some consistency. If there is some shortfall, make the developers bring their sites forward instead of sitting on them for years on end.

If there is a clear policy to develop brownfield sites for housing before consideration of greenfield sites, then that would be welcomed. However, the statement that greater densification of brownfield sites would somehow automatically resolve problems demonstrates a lack of understanding of the difficulties of re-developing

these sites. Increased densification could incentivise the re-development of brownfield sites but the key factor is the previous use of the site and whether or not there are areas of the site which are totally unsuitable for housing.

Every proposal to sustain protection of the National Parks is welcomed. Protection must also be extended to other protected landscapes and designated Areas of Outstanding Natural Beauty; whose status seems less clear and of which there is no mention throughout this entire document.

Any standard one-size-fits-all method is unlikely to be suitable for the myriad of different scenarios throughout the country – Local Plans should be permitted to phrase local policies which will be sufficiently flexible to reflect local circumstances.

Q8b No

It may well be that affordability and the extent of existing urban areas are two indicators of the quantity, or lack of quantity, of development – but nevertheless they are not necessarily the only key drivers for proposing more development. Every location has its own key indicators which will influence whether or not further development is appropriate. A formulaic approach is not appropriate. In rural areas, key constraints are sustainability and protection of landscapes.

Q9a No

On the face of it, this could sound like a useful suggestion but the reality is that communities need time to consider and reflect on planning applications – and to fast-track outline applications feels like rail-roading. With proposals for the consultation of the Local Plan already condensed into a very short time-frame, there really has to be some mechanism to facilitate thorough consideration of planning applications – and to impose such rigid timescales is a travesty. In addition, Neighbourhood Plans seem to be side-lined by these proposals.

Q9b No

In renewal areas, always provided they have been identified in the relevant Neighbourhood Plan, then the general presumption in favour of development may be appropriate; but the provision of blanket permissions in renewal areas is extremely difficult – there will always be exceptions and debates about the way in which they are interpreted.

There is no mention of Areas of Outstanding Natural Beauty – their status should be better recognised and included routinely as Protected Areas.

Q9c Not sure

For such significant planning decisions to be permitted to go through "on-the-nod" seems most inappropriate.

Q10 No

These proposals are too prescriptive.

The proposals for faster decision-making may sound very plausible but the reality is that every planning application is different and in certain circumstances extra time for it to be considered is well justified. The one-size-fits-all fast-track approach with presumed consent and permitted development rights is a recipe for disaster. Local

authorities need to retain control and have sufficient opportunity for consideration of the impact of applications on each specific locality.

The imposition of draconian financial penalties on planning departments will not be helpful and may well lead to inappropriate applications being approved, much to the annoyance and dismay of local communities.

Planning officers should not be placed in the position of being fearful for their decision-making when the key drivers are arbitrary time-limits and governmental financial penalties.

Q11 Not sure

The proposals may be a good long-term aspiration but web-based plans should not yet be used exclusively to the exclusion of all traditional methods. Not everyone has access to a computer or a smart phone. In particular, many elderly residents could be dis-enfranchised by exclusive use of digital technology.

Q12 No

Although 30 months may sound like a good aspirational target for the production of a Local Plan, the reality is that effective and meaningful consultation is very time-consuming and should not be rushed for the sake of achieving an artificial dead-line. In particular, Stage 3 (6 weeks) is totally unrealistic – for the public to be "consulted" at the same time that plans are submitted to the Secretary of State smacks of lip-service. Even Neighbourhood Plans are expected to allocate more than 6 weeks for consultation – and Local Plans cover much larger and far more complex areas. The proposed time-frame is unachievable and unrealistic.

If, as it would appear, Neighbourhood Plans are expected to be incorporated into Local Plans from the outset, then more and better consideration needs to be given for the time it takes to prepare Neighbourhood Plans, the majority of which are compiled by volunteers working in their spare time with very limited resources. It is cynical to assume that Neighbourhood Plans can continue to be delivered in this way. They need to be properly resourced.

Q13a Yes

Neighbourhood Plans are very important and it's interesting that their value seems to have been recognised but the proposal that their content should become more focused to reflect proposals for Local Plans implies an intention that they should be watered down – so that they become no more than a design statement. If so, this would be a patronising snub. Neighbourhood Plans need to be developed in conjunction with their Local Plan and they need to run for the same length of time. The importance of Neighbourhood Plans in rural communities is a key argument against the introduction of the zonal system.

There needs to be greater clarity and more support given to local communities regarding what Neighbourhood Plans can and can't influence. They need to be properly resourced and not dependent on the good auspices of community volunteers. The process for review and updating needs clarification – and the present situation where Neighbourhood Plans are being increasingly marginalised, is unacceptable.

It is most unlikely that there would be much take-up of the suggestion that individual streets would be interested in setting their own rules for the form of development they would be happy to see. People are too busy to want to get involved at this level and there are significant risks that the process could cause disagreements between neighbours.

Q13b If government is genuinely supportive of Neighbourhood Plans then there needs to be more financial support at grass-roots level, enabling parish councils properly to fund their development without constant reliance on the good-will of community volunteers. The whole process is clunky and time-consuming – there needs to be more emphasis on training so that Neighbourhood Plans are consistent with and complement the Local Plan, and inspectors do not have to spend their time rewriting swathes of Neighbourhood Plan policies to ensure compliance.

Q14 yes

Once planning permission has been granted, then it must surely be feasible to introduce sanctions to ensure that developers progress their permissions, instead of land-banking:

- Significantly shorten the time-limit permitted for planning permission before it lapses and has to be re-assessed as an entirely new application – at increased cost for subsequent applications, as a penalty for time-wasting.
- Curtail the number of renewals
- shorten the time limit in which the permitted development has to be completed – this would have to be legislated on a site by site basis, dependent on the nature of the site and its location.
- Re-define what is meant by a "substantial start" so that it is unacceptable merely to scoop out a few foundations and then leave the site for years on end without further progressing the development.
- Automatically refuse to grant additional planning applications to developers who already have permission for other sites which have not yet been started and for which there is no evidence that a start will be made.
- Impose substantial development taxes or fines on developers who land-bank and who don't progress their planning permissions.

Q15

Other – the standard of design and development has been variable and inconsistent – often with scant regard for the advice, opinions and concerns of the parish council, whose local knowledge is invaluable. There have been too many developments which are poorly designed in relation to existing housing and infrastructure and too many developers are cutting design standards in favour of profits – in the absence of legislation, they are not implementing green energy principles.

Q16

There is no one priority for sustainability – Energy efficiency of new buildings is very important.

Other – Safeguard the flood plains; ensure that river valleys are protected and excluded from all development.

Re-develop brownfield sites within areas of housing restraint.

In rural areas it is impossible to envisage how communities could be less reliant on cars unless there is significant government investment in public transport.

Q17 Yes

Increased emphasis on design guides and codes will be helpful. However, it must be recognised that for local design guides to have credibility, there must be meaningful consultation with local communities which by definition will be time-consuming.

Q18 No

There are already enough QUANGOs. Why should it be necessary to create yet another bureaucratic organisation? What does Homes England do, if not this? It should be sufficient properly to fund existing organisations. Local authorities should ensure that all senior planners are able to develop their skills in design and place-making. Why create separate specialist roles?

Q19 yes

Homes England needs to get on with bringing legislation forward aimed at compelling developers to build to higher design and sustainable environmental standards, otherwise it's not going to happen.

Q20 No

The proposal suggests that safeguards could be in-built, but there is insufficient information about how this would be achieved. This is one of the few occasions when Neighbourhood Plans have been given any credence in this White Paper. But Neighbourhood Plans, by definition, are not a fast-track mechanism and this needs to be recognised by the planning process. Neighbourhood Plans are important and they should not be undermined by the imposition of mechanistic time-frames and tick-boxes.

A one-size-fits-all approach fast-track to presumed consent with permitted development rights is just a recipe for disaster. It takes control away from neighbourhood plans and local authorities and will open the flood gates to housing estates all built to a common design and standard, with no consideration or empathy for the specific locality.

Q 21

More affordable housing

Design of new buildings

Other – Statutory support for policies in the AONB Management Plan; flood defences and prevention of run-off; improvements to water treatment works; provision of a minimum of two independently accessible parking spaces per new dwelling irrespective of the size of the property; minimum standards for the width of roads in new developments; enhanced authority for parish councils to determine the allocation of their CIL funding, including expenditure on local roads as necessary; authority for parish councils to insist on high environmental standards eg no street lights in order to support AONB Dark Skies initiatives.

A centralised approach to this subject is not helpful – local flexibility to deliver the needs of communities where development is happening is most important.

Q22a No

Section 106 Agreements have been a very useful mechanism in ensuring that development gain is targeted at specific infrastructure requirements in each locality.

Consistently they have delivered much greater financial and affordable housing contributions for their local community than would have been achieved from the CIL alone.

We do not agree with the proposal of having a fixed proportion of development value above a set threshold only. All new housing places a strain on existing infrastructure and all new housing should make a contribution towards resolving that strain – not just developments above a certain threshold.

Q22b CIL rates need to be set locally to reflect the specific circumstances of each locality.

The revisions to the CIL as set out in Proposal 19 again promote a one-size-fits-all process, with a risk that too much of the levy would be retained at national level and would not be devolved to the areas being developed.

The CIL should NOT be levied at the point of occupation of a dwelling. This would have the effect of insufficient funds being made available at the commencement of a development to pay for any necessary infrastructure. It could lead to piecemeal collection of the CIL and will militate against the delivery of large infrastructure projects, especially green energy.

If no levy whatsoever is charged on small, minimum-threshold developments then developers will make certain that all their projects are below that threshold. It would lead to parcels of land being divided up into smaller developments, each of which would evade the CIL and avoid requirements to build an allocation of affordable housing.

The suggestion that the cost of the levy would be capitalised into land value is a complete red herring. Whether or not developers decide to capitalise the CIL – this will not make the slightest difference to landowners who sell their land at increased value. As far as the planning system is concerned, the aim is to ensure appropriate development for each community. The uplift in land value is a matter for HMRC not the planning system.

Q22c There is insufficient financial information provided in this document for anyone to be able to comment or make an informed decision on this point. Presumably, if local authorities have been able to deliver the greater investment in infrastructure required, then the level of CIL levied to date has probably been about right. If the level of CIL is increased significantly, it could have an adverse effect on the viability of development.

Q22d No

Absolutely not. Why should local authorities suffer increased financial burdens and pay up-front for infrastructure projects, which at the moment are properly being funded by the developers who will benefit from the sales of the properties they build? If local authorities borrow to fund infra-structure projects ahead of development, this will act as a disincentive for developers to get on with build-out. Developers understand cash-flow and will ensure that their own objectives are given priority.

Q23 Not sure

Why exempt self and custom-build? These developments are just as likely as any other to affect community infrastructure. Builders also use the self-build exemptions to build properties for their own use which they intend to sell as soon as they are completed and move on to build another. This needs to be addressed by legislation.

Q24a yes

The provision of affordable housing has been an important element in S106 Agreements and is another reason why S106 should be retained. The proposed changes in Proposal 21 are wide open to abuse, potentially fraudulent. We are also keen to ensure that affordable housing is provided in rural area and that there should be a contribution from all sizes of rural development, where developers benefit from higher house prices.

Q24b No

Affordable housing should not be used as a bargaining chip instead of paying towards the CIL, although the “right to purchase” at discounted rates for local authorities is an interesting suggestion which could be pursued. We support the proposal that developers could offer land on development sites to housing associations who could then develop the houses themselves. This could avoid the propensity of developers building affordable housing to a lower standard.

Q24c Yes

Q24d Yes

Essentially a S106-type agreement is still necessary

Q25 Yes

We would welcome the ability to focus infrastructure funding on the specific needs that are being created by new development. Central control does not help to address local issues. Some elements, such as affordable housing, need special consideration.

The 25% local Neighbourhood Plan share of the CIL should be retained and there should be more flexibility to permit parish councils to determine how that money may be spent. Priorities for CIL expenditure can be identified during the NP consultation process. However, again, it needs to be recognised that Neighbourhood Planning is not a quick fix process – that’s why it has local credibility. Changes to the planning system should not undermine the successes of Neighbourhood Plans.

Q25a Yes – affordable housing CIL should be ring-fenced – it’s probably called a S106 agreement

Q26

This document acknowledges that the majority of those who engage in consultation with the planning system are elderly, probably retired. In addition, travelling communities may have limited access to the internet. There is therefore a cynical dis-regard for these groups by removing any opportunity to engage with the planning process other than by the use of information technology. The use of IT is important

but it should not be the only means of communication with the community if there really is genuine commitment to meaningful engagement and consultation.

Section 149 of the Equality Act refers:

Age and Ethnic Discrimination – the dependence on IT systems and elimination of traditional methods of communication disenfranchises the elderly and also others who by reason of disability or ethnicity may not be able to access digital methods of communication.

Religious Discrimination – there are some religious organisations who by reason of their faith do not believe in the use of digital technology.