

# Greater Nottingham Planning Partnership



## Planning for the Future White Paper response on behalf of the Greater Nottingham Joint Planning Advisory Board

- 1 The Greater Nottingham Joint Planning Advisory Board (JPAB) oversees the preparation of strategic plans in Greater Nottingham. Its membership is made up of the relevant Portfolio Holding Councillors of Ashfield District Council, Broxtowe Borough Council, Erewash Borough Council, Derbyshire County Council, Gedling Borough Council, Nottingham City Council, Nottinghamshire County Council and Rushcliffe Borough Council.
- 2 At the meeting of 22 September 2020, JPAB resolved to submit a joint response to the White Paper on matters of relating to strategic planning. The response is attached below.



## PLANNING WHITE PAPER – JOINT PLANNING ADVISORY BOARD RESPONSE

### A NEW APPROACH TO PLAN-MAKING

#### Pillar One – Planning for development

Over-arching comments: –

The White Paper includes only limited detail on the operation of the proposed new planning system, which makes making comments more difficult.

UK economy is extremely fragile, and seeking to recover from the pandemic, major planning changes could potentially threaten recovery, for instance by deterring investment whilst investors await a more settled planning position.

There are no proposals in the White paper as to how the proposed system will assist in the “levelling up” of the nation, as Government housing targets in the context of no national or regional plan will deliver continue current trends in growth. This is a significant omission.

The approach appears to be geared towards major (housing) developments, such as urban extensions and new settlements, but how the fine grained complex character and history of a built up urban area is taken into account less certain. Equally the emphasis on housing delivery is at the expense of the roles of strategic and neighbourhood planning, or how radical reductions in carbon dioxide emissions are to be secured through the planning system.

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.

Defining just 3 areas with a blanket approach within each area could be a very blunt tool. It is potentially unsophisticated and lacking the fine grain required to address development in complex urban areas. The proposal of using sub areas (allocations?) might address this, but again more detail would be helpful.

It does seem better suited to managing change for major developments, such as new settlements, urban extensions, or large areas of targeted regeneration.

Examples of zoning systems from elsewhere (eg New York) do not support the stated aim of simpler and shorter Local Plans.

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

In principle this could help to simplify local plans. The NPPF already does this to some extent, but could go further. However, there is a risk that it could remove key areas of

local influence from democratic process, and not all areas are the same and are not experiencing the same issues.

Where national policies give a clear steer to developers, and provides a level playing field nationally, eg for carbon neutrality and other key elements of sustainable development, it could be beneficial.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness. The Duty to Cooperate would be abolished. Public engagement is proposed to be largely through plan making, with permission being established through the plan in many instances.

Simplifying the tests of soundness could help to speed up Local Plan examinations.

Sustainability Appraisals have become an industry in their own right, and simplification would be welcome.

Whilst the W.P. advocates removing the Duty to Cooperate, it does not offer up any alternative approach to dealing with strategic planning matters. The Duty to Cooperate may not be ideal, but without an alternative to planning for strategic development across and between functional areas such as Housing Market Areas, the government will not meet its housebuilding aims. Too many LPAs are constrained, either through being urban and not having enough land to meet their own housing needs, or so environmentally constrained (Green Belt, AONBs etc) that they cannot meet their own needs. It is acknowledged that this recommendation could be tied in with the forthcoming Devolution White Paper.

However, the Duty has worked in the past in Greater Nottingham, and the proposals risk losing established mechanisms, without a replacement. Some of the benefits of joint working in Greater Nottingham include reduced and shared costs and a shared evidence base, together with the ability to present a more rational coherent set of policies to developers across an HMA (rather than every authority having their own unique approach). The Duty is useful not just from a housing numbers point of view but also from the point of view that infrastructure runs across administrative boundaries and co-operation is necessary to avoid the difficulty of conflicting objectives in planning for built development, and ensuring benefits are maximised for green and blue infrastructure to connect and flow across a wider area than just within administrative boundaries. Whilst it is recognised that these benefits could be achieved on a voluntary basis (ie without the Duty to Cooperate), experience from around the Country indicates that cooperation is facilitated by strong incentives.

If most public engagement with the planning system is through plan making, then this undermines democratic controls later in the process. It is well understood that people engage in the planning system when it directly effects them, ie at planning applications stage, and less so when proposals are notional, as in a local plan. Contrary to the aims of the White Paper, the proposals risk reducing the opportunity for consultation and public input into planning proposals.

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 planning system is often held to be responsible for the housing crisis, but around 90 per cent of planning applications are approved in England, and consent has been granted for up to one million homes that are yet to be built.

However, it is agreed that a methodology is required to determining housing need, but this needs managing across functional areas, ie Housing Market Areas. Any methodology should be sophisticated enough to take account of areas like Greater Nottingham, which made up of a number of authorities. The City is tightly bounded, so has little opportunity to extend the built up area, whilst surrounding boroughs are tightly constrained by Green Belt. Having a methodology linked to household projections does risk simply providing for more homes where they cannot be provided, so a regional or even national perspective is required.

#### 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.

This could be a very blunt a tool, as there will be sub divisions within growth areas suitable for different types of development, and unsuitable for others. Granting blanket outline consent therefore allows potentially unacceptable uses in inappropriate locations.

The use of sub areas (which would be very necessary for good planning and place making) whilst welcome, could result in a complex local plan, with policy approaches/design codes for each sub area, significantly acting against the Government's aim of simplifying and speeding up local plans.

Principle and detail cannot easily be separated in planning decisions. This is because the principle of the suitability of a site depends entirely on the detailed impacts the proposal may have. To understand whether, in principle, development should take place, one first has to understand this detail. The level of detail required to effectively grant outline planning permission across a growth area would be very significant, and the resource requirements could overwhelm many planning departments.

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

The approach needs to reflect that some schemes do (rightly) take a long time to determine, and that this is in the public interest. The current 'minors' or 'majors' break down is too simplistic if firmer timetables are to be attached. Many extensions of time are requested by applicants rather than instigated by the LPA, and lack of flexibility in timescales will lead to perverse decisions, such as refusals where schemes could be

improved given sufficient time.

The possibility of refunding of the planning fee if the application is not determined within the timeframe, or for it to be deemed to have been granted, does not reflect the reality of development management, where applicants and the LPA work together to achieve successful outcomes, and negotiate for unacceptable schemes to be improved to make them acceptable. This inevitably extends the timescales involved, but greatly improves the outcomes. This approach characterises the planning system as negative, where in fact it is a positive agent in improving development proposals.

For appeals, only a tiny proportion of applications are determined in this way. Giving a rebate on fees for successful applicants misses the point that planning judgments can be finely balanced. It also provides a perverse incentive for an LPA to not refuse development that is unacceptable, due to the threat of loss of income needed to run the planning service, and equally, an incentive for more appeals, as applicants would have little to lose if they appeal, but could get their fee back (no financial penalty unless costs were awarded). The current system of allowing costs where behaviour by appellant or LPA is unreasonable works well, and takes account of the fact that legitimate planning judgments can result in different outcomes.

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

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

More standardisation and access via technology would be welcomed, subject to appropriate resources being available.

## A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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

Whilst it is true that some local plans take too long to prepare, the 30 month timescale of local plan preparation is arbitrary, as it cannot be based on any practical methodology of how long a new style local plan might take to prepare. It also takes no account of the resources available to LPAs, and especially the lack of design expertise to create multiple design codes covering a LPA area, needed to support the local plan. The Government's desire to get more public engagement in plan making is both time and resource hungry, and lengthens preparation timetables.

Having a single time frame for all areas is over simplistic, and does not recognise that some areas are more complex than others, eg urban areas with complex multiple issues vs largely rural areas with market towns and villages.

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

No comment - not a strategic matter.

Proposal 10: A stronger emphasis on build out through planning.

Splitting development sites is the only measure aimed at developers to speed delivery. Given inherent incentives in house builders operating models to drip deed houses to the market, tougher measures are required for this to be effective.

IN splitting sites, a legally binding mechanism would be required to force developers to work with other house builders to deliver different house types/tenures. Design codes alone will not be sufficient.

Design codes are resource heavy, and can also stifle innovation in design and place making.

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.

Design Codes are useful planning tools, and their further use is welcomed. However, the resource implications need addressing. Many LPAs have very limited design expertise, and no specialist staff. There are simply not enough urban designers available to undertake this work. Poor quality Design Codes can result in bland and boring development, and stifle design innovation.

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.

These proposals are welcomed.

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.

These proposals are welcomed.

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.

Again, the lack of design expertise in most LPAs will hamper this ambition. Good design is also in part a matter of judgment.

A beautiful design is only part of the planning consideration, and there may be other factors that require consideration through the decision making process. This proposal needs careful framing to ensure only appropriate development is fast tracked, and there are appropriate checks and balances to provide consideration of other planning matters.

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 would be welcome, planners and developers need clear and unambiguous government policies to allow for consistency in approach across the nation and to enable supply chain adaptation.

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.

There is little detail of this proposal. If not properly framed, it could risk reducing environmental safeguards.

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

This is an important objective, but there is a risk that the proposals for three zone areas are not going to facilitate this aim, eg where growth could impact on historic assets or their settings, but is granted permission via the plan 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 current level of ambition in this regard as expressed through the consultation on the Future Homes standard is not high enough, so further improvements to efficiency standards would be welcome, but they need to be universal and unambiguous to ensure developer buy-in.

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.

If introduced, Infrastructure Levy rates should be set on the basis of local land values, to ensure that areas with low land values are not prejudiced, and that the Infrastructure Levy

does not unintentionally prevent development. This would risk low value areas not receiving sufficient funding through this route, and in this context, proposals to deliver affordable housing through the levy are unconvincing at present.

S106 has remained the right choice for many LPAs, as it is flexible, and can respond to very local land value issues. The Government should back up its claim that the new Infrastructure Levy would yield more than the existing process through detailed modelling, otherwise it is simply speculation.

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

This is strongly supported, Permitted Development has long been criticised as not contributing to required infrastructure. However, most easy conversions have already taken place, and so the impact may be limited.

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

Areas with low land values and therefore low Infrastructure Levy rates may miss out on affordable housing provision, and so proposals to deliver greater levels of affordable housing through the levy are unconvincing at present.

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

It is important to keep the link between development and where the Infrastructure Levy is spent, particularly in convincing local communities that development is acceptable. Once freedoms to break that link are made, it will be very difficult for cash-strapped local authorities to ignore the need to support service provision more generally.

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:

- The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers
- Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type
- a small proportion of Infrastructure Levy of the income should be earmarked to local planning authorities to cover their overall planning costs

Skills and resourcing will be key to making any new planning system effective. Making development in the round pay for planning services is a good idea in principle, but those Councils with low land values will not receive much Infrastructure Levy funding. Therefore plan making costs should also be covered by planning application fees, as it is the policies they contain that planning applications are determined against.

Regulating pre application fees is unlikely to assist in LPAs covering their operating costs.

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

This is supported, but there is a very large resourcing and skills gap nationally.