

# Hertfordshire Growth Board Response to 'Planning for the Future' White Paper



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## **'Planning for the Future' White Paper Consultation Response**

Thank you for the opportunity to comment on the planning white paper.

The Hertfordshire Growth Board is a partnership of the ten district councils in Hertfordshire, as well as Hertfordshire County Council and Hertfordshire Local Enterprise Partnership. This response has been prepared on behalf of the Growth Board Partners. Our feedback follows the sequence of your paper and requested form of response.

### Forewords and Introduction

Herts Growth Board recognises many of the criticisms of the planning system contained in the forewords by the Prime Minister and Secretary of State. However there needs to be acknowledgement that the existing system has been subject to almost constant change for many years, is now excessively complex and inflexible to operate and is under resourced. We therefore agree that there is scope and need for change and welcome the opportunity to comment on the white paper and work with government to develop a planning system that we can all be proud of.

### Proposal 1

Herts Growth Board challenges the proposal that Local Plans can be made less complicated by the introduction of a zoning approach. It is an oversimplification of a complex on-the-ground reality. At present Local Plans are able to specifically allocate land for housing, employment, retail, etc, to protect land for its green belt, environment or heritage value, to promote appropriate development opportunities and to have 'white land' that can be developed in accordance with generic policies. The introduction of growth areas and renewal areas has the potential to introduce a free-for-all approach that departs from the values of a plan-led system allowing whatever speculative type of development the market considers is most profitable to be pursued.

The suggestion that growth areas and perhaps even renewal areas would grant automatic permission-in-principle would delete a vital part of the democratic process that occurs at planning application stage. It would also front load the testing of development capacity and acceptability and mediation of technical and other development constraints to be undertaken by the local planning and highways authorities passing a significant burden of expense onto the public purse rather than being met by those hoping to benefit from the development.

### Proposal 2

Herts Growth Board supports the principle that some development management policies can be established at national level, leaving Local Plans free to focus on local issues.

### Proposal 3

Herts Growth Board supports the principle that Local Plans should be subject to a single statutory sustainable development test. It is true that the existing tests of soundness are a notable hurdle and require significant investment in legal advice and sustainability appraisal evidence. We agree that there should continue to be some consideration of the sustainability merits and level of cross-boundary cooperation of the submitted plan.

The deletion of the duty to cooperate in advance of a clear alternative strategy appears inherently risky. Hertfordshire has been working hard through a joint planning officer group, planning executive member group and Leaders and Chief Executive group to debate countywide planning, housing and infrastructure issues.

### Proposal 4

Herts Growth Board welcomes some of the proposed changes to the standard method, notably that it will use latest ONS population and household projections, that it will take account of the number of homes already in an area and that it will consider local constraints. We would strongly encourage that such constraints include green belt designation, as this is a key challenge for meeting current housing needs in Hertfordshire.

Herts Growth Board is concerned about some of the other proposed changes however, notably the removal of the 40% affordability cap, which could have the effect of increasing the housing target for the county when there are many other local constraints.

Herts Growth Board also opposes the proposal that the standard method be binding on local plans and when determining planning applications. Our experience over recent years is that ONS population and household projections can sometimes contain mistaken assumptions and can vary significantly from projection-to-projection. These figures should therefore be subject to some form of scrutiny.

We would encourage MHCLG to recognise that ONS population and household projections are prepared every two years, which will presumably lead to an update of the standard method. The Planning white paper proposes that new Local Plans should be prepared within a strict 30-month time period. This means that at some point during the preparation of a plan, councils will have to take account of a new standard method target, and if this is a dramatic change, it could make it harder to achieve the timetable.

### Proposal 5

Herts Growth Board has fundamental objections to the proposal that growth areas and perhaps even renewal areas would grant automatic permission-in-principle. This would delete a vital part of the democratic process that occurs at planning application stage. It means that anyone who would otherwise be consulted and have the opportunity to make comments and speak at planning committee would instead have to involve themselves in the preparation of the Local Plan and design codes potentially many years before the development was progressed.

The concept of growth areas and permission-in-principle also completely disregards the reality that the pre-application and planning application stages of the existing planning system are used to solve many technical problems and to allow councillor and public to comment as a development site is progressed from concept, to proposals, to construction. The planning system plays an important community mediation role. It allows everyone to have their say regardless of their position of influence within the community. It ensures that all relevant matters have been taken into account before a decision is made. Items that go to planning committee also demonstrate in a very public way that democratic transparency and accountability is occurring.

### Proposal 6

Herts Growth Board supports the greater use of digital technology within the planning system. That being said however, the use of technology does not solve every problem. People often learn about local development for example via laminated notices pinned to lampposts that they may not find online or social media. The ability of local planning authorities to adopt new technology for consultation and plan production needs further understanding to ensure this is adequately resourced and to ensure that it reaches all in the community who may be interested.

Herts Growth Board also considers that emphasis on a firm deadline for determining applications within 8 or 13 weeks may well lead to more refusals. The ability to agree extensions of time with an applicant allows planning officers more time to resolve any issues that have arisen during the consultation and consideration stage, in order that a positive and correct decision can be made.

### Proposal 7

Herts Growth Board supports the proposal that Local Plans should be standardised, based on digital technology and more visual and map based. We look forward to IT systems being developed by the Government to allow this to be achieved. We would encourage that these IT systems be developed in partnership with local planning authorities rather than simply handing the work to private sector PlanTech firms.

### Proposal 8

Herts Growth Board is concerned about the imposition of the proposed statutory timetables for the preparation of Local Plans. Whilst we support having a clear programme for plan production, it is hard to believe that every new plan in the country can be prepared within a 30-month period and to penalise those councils who cannot reasonably achieve such a challenging timetable. We question whether the full evidence base and selection of growth/renewal/protection areas can be achieved in a 6-month period given the upfront work that would be needed to ensure the development coming forward met the government's own beauty ambitions.

The level of investigation and analysis achievable within this timeframe would almost certainly be open to challenge, either by landowners whose sites are not zoned or by communities who oppose the zoning of sites in their area. The 30-month period is also likely to foreshorten the realistic democratic and community input to the preparation of these documents, a move that is antithetical to the desired front loading of public engagement described in the white paper.

### Proposal 9

Herts Growth Board would simply observe at this stage that town/parish councils do not always have the resources or expertise to prepare neighbourhood plans.

### Proposal 10

This is a very welcome proposal. Assessment of the causes of low housing delivery do not single out the planning system and our local experience is that permissions exceed many times more than the numbers of homes that have been built.

We would like to see future legislation to do much more to force landowners and developers to actually bring their sites forward once they have planning permission.

### Proposal 11

Herts Growth Board supports the principle of design guidance and design codes to improve the quality of development.

### Proposal 12

A body to support the delivery of popular local design codes is welcomed given the volume of work that this will probably entail. The Growth Board support the proposal to nominate a chief officer for design and place-making.

### Proposal 13

Herts Growth Board welcomes any Homes England support to help deliver beautiful places in Hertfordshire.

### Proposal 14

Herts Growth Board is concerned by the proposal. Development is about much more than just beauty. A scheme should not be fast-tracked just because it is deemed to be beautiful if it has other fundamental flaws.

### Proposal 15

Herts Growth Board supports this proposal as we have declared a climate change emergency but would like to see much more detail in future legislation and changes to the NPPF.

### Proposal 16

Herts Growth Board recognises that sustainability appraisals and habitats assessments are an expensive and time-consuming part of the current Local Plan system and that environmental impact assessments can be equally costly and burdensome for major applicants. We support the principle of a quicker and simpler framework to assess environmental impacts and benefits but are keen to ensure that these processes can be successfully augmented by national and local data.

This proposal needs more careful thought about how specifically prepared documents that analyse the particular circumstances of a plan or development proposal can be successfully replaced by data. Decisions sometimes need to be based on a careful weighing-up of policy, facts, evidence and advice and cannot always be quantified or binary choices.

### Proposal 17

Herts Growth Board supports all efforts to conserve and enhance historic buildings and areas. We would query whether it is expected that Local Plans should identify all such assets or whether they should simply be zoned as protection areas.

### Proposal 18

Herts Growth Board supports all efforts to facilitate improvements in the energy efficiency of buildings. We have declared a climate change emergency and are currently identifying policies and actions that can be implemented at a local level to help solve this global problem. We see considerable merit in national standards being incorporated into building regulations as this has a better chance of ensuring they are achieved via the design and fabric of the building from the outset.

### Proposal 19

Herts Growth Board recognises that Section 106 negotiations are a major factor in the time it takes to determine planning applications. We have concerns however about the principle of a mandatory and nationally set flat rate for development contributions. It is unclear how this will take account of local viability issues. It is not yet explained how the value of the development will

be calculated. It undoes the current emphasis on the identification of projects that are directly related to the development, appropriate in scale and kind and necessary to make the development acceptable in planning terms. The ability to plan, fund and deliver local and strategic infrastructure that is needed upon occupation of new development in a coordinated way is questioned. It could leave many projects unfunded and many developments unsupported by the infrastructure they need to be genuinely desirable and sustainable.

#### Proposal 20

Herts Growth Board supports the principle that the Infrastructure Levy could be extended to capture changes of use through permitted development rights. The county has seen a significant amount of its office stock converted into flats in recent years, without being able to secure any contributions for affordable housing, schools, healthcare, transport, etc.

#### Proposal 21

Herts Growth Board is deeply concerned by the proposal that affordable housing provision should be incorporated into the reformed Infrastructure Levy. At present most local plans contain policies to seek affordable housing on sites of 10+ units and this can only be reduced through validated viability evidence.

The inclusion of affordable housing within a levy immediately reduces its priority and puts it on a par with all other infrastructure requirements. It is not clear how this proposal will incentivise developers to build on-site affordable housing. In some cases, particularly greenfield sites, our experience has been that developers are often keener to make off-site provision.

In respect of the separate Changes to the Planning System consultation it has been noted that seeking affordable housing on small sites allows villages to support small development sites in order to provide new affordable homes, but that they are less likely to do so if the threshold is set at 40-50 homes.

#### Proposal 22

Although Herts Growth Board welcomes the principle of freedom to decide how to spend income from the Infrastructure Levy, in practice we are concerned that the demands for implementation of infrastructure and affordable housing from this fund could leave some projects unfunded, to the detriment of nearby development. Clearly the percentage of development value the Government has in mind for councils to claim for infrastructure investment will be critical in areas such as Hertfordshire.

Any Infrastructure Levy rate should be set at a rate specific to that area, with the rate reflecting the level of infrastructure required to mitigate the impact of proposed development. That will in turn be a function of the scale of the infrastructure required and the cost of providing it. Both are functions specific to an area and should be evaluated as such.

Given the extent to which options already exist for land identified for development in Local Plans addressing this particular issue will take time unless the Government is prepared to intervene and direct the re-evaluation of 'options' already secured by developers on land for development.

It is noted that the White Paper proposes that the new Infrastructure Levy should only be applied above a value-based minimum threshold. This approach runs the risk of continuing the current situation where the developer is able to cite concerns about viability as a means of reducing the contribution towards delivery of local infrastructure. As a consequence, many development proposals fail to provide an appropriate contribution towards the local measures required to

mitigate their impact. A particular concern is the reduction in affordable housing that typically takes place as a consequence of this line of argument.

Given the critical importance of ensuring that any new development contributes towards addressing the impact that it has on the local community it is recommended that there should be no minimum threshold for the new Infrastructure Levy.

#### Proposal 23

The principles in the consultation document that the proposed changes will free-up planning staff to focus on creating great communities are welcomed. It is also welcomed that HM Government recognises the need for additional funding into planning to support attaining the right level of capacity, skills and resource distribution within planning departments.

#### Proposal 24

Herts Growth Board welcomes proposals to strengthen enforcement powers and sanctions.

#### Other comments

There is a lack of recognition of the important and central role of elected members within the white paper.

The white paper doesn't acknowledge the need for a coherent and effective system of pan-county strategic planning to support the production and delivery of development plans and infrastructure. The paper does acknowledge the need for further consideration to the way in which strategic cross-boundary issues, such as major infrastructure, can be adequately planned for. Strategic infrastructure needs to be a consideration for local authorities when developing their Local Plans, giving authorities the confidence to take the availability of the infrastructure into account when considering the growth options for their area.

There is no mention of the important programming role of the Planning Inspectorate and planning inspectors to ensure that Local Plans are examined in a timely manner.

There is no mention of minerals planning, which is an important function of Hertfordshire County Council.

The white paper needs to do more to support the critical decarbonisation and wider sustainability agenda. The Hertfordshire Growth Board partners recognise the climate imperatives and sustainability that we face, and these concerns need to be given even greater focus in the planning system.

#### Recommendations for Planning System reform

Based on our collective experience of operating across all parts of the planning system, Herts Growth Board would like to offer the following views on the best structure for a modernised system:

- Establishment of an effective strategic planning approach to support plan making, infrastructure planning and delivery.

- A national IT system, similar to the Planning Portal, for consistently presented Local Plan policies and Local Plan proposals maps.
- A list of national development management policies that councils can choose to adopt as drafted or enhance as they see fit.
- A simplified test of soundness process for Local Plans.
- A simplified evidence base for Local Plans.
- A simplified process to evidence long-term infrastructure provision for Local Plans.
- A simplified sustainability appraisal process for planning applications.
- Far greater scope for planning matters including applications to be advertised via websites and social media.
- Greater emphasis on strategic cooperation to replace duty to cooperate.
- A realistic timescale for the preparation of Local Plans.
- More scrutiny of the consistency of Local Plan inspectors when carrying out public examinations.
- Removal of the PDR changes to residential uses in areas where this is having adverse economic recovery impacts