

## **Brentwood Borough Council response to the Planning for the Future White Paper, October 2020**

### **Responding to the consultation**

Brentwood Borough Council welcomes the Government's recognition that planning and planners are an essential and important part of addressing many of the challenges facing the nation. We support efforts to reform processes and achieve a more efficient planning system, provided that this does not compromise its foremost duty to plan in the public's interest.

### **Pillar One – Planning for Development**

#### **Proposal 1: Zoning**

The term land-use zoning has several different interpretations across the world. As it seems to be proposed in the White Paper (introduction of areas for Growth, Renewal and Protection), zoning is another term for allocating land in Local Plans for development, regeneration and protection. This is essentially what Local Plans have been doing for many years, particularly in a borough like Brentwood where we separate land according to whether it is within the urban area (where development is generally deemed acceptable), or in the Green Belt (89% of the borough is within the London Metropolitan Green Belt and so the starting point is protection in line with national policy).

Clarity is required on how the proposed zoning system would operate in practice. It is suggested that not all cases will be possible to separate according to just three zones, for instance development in Conservation Areas is not just a designation for protection but for consideration of the heritage that has identified the need for conservation in the first place. Such layering to allow for protection within growth or renewal areas needs to be considered.

The Council supports efforts to simplify the planning system. However, the solution needs to be workable and mindful that there will be reasons for existing arrangements that seem complicated.

#### **Proposal 2: Development Management Policies**

The Council agrees that local plans should be simplified. Where there are generic development management issues the Council agrees that national level policies could remove repetition and create more consistency (e.g. living conditions/amenity, historic environment, natural environment). National development management policies would need to be ambitious and because of their national reach, not become the lowest common denominator.

However, local plans should reflect the local distinctiveness of their areas and communities. To do this local planning authorities should retain their ability to have their own development management policies in their local plans where it can be locally justified. The Council has resolved to be a signatory to the Local Government Association (LGA) statement that the planning system in England should be kept local. The LGA statement explains how the COVID-19 pandemic has demonstrated the spirit of communities in fighting the virus and that as we move forward, it should be they who drive the national recovery with the power and voice to shape their local areas. The Council support this view, the people of Brentwood Borough should have the power and voice to lead and contribute to plan-making in their communities, and that should include the use of locally specific development management policies when justified.

Whilst it is understood that the Government has not covered every aspect of the planning system in the White Paper, key issues such as provision for Gypsies and Travellers should be considered in light of the reforms. In particular, the role of the land categories (or zones) in relation to Gypsy and Traveller sites and whether there is a need for greater depth/layering or sub-categories as a result of such nuanced issues.

### **Proposal 3: Sustainable Development Local Plan Test**

The Council agrees that sustainable development is a fundamental part of the planning system. Simplifying sustainability appraisals is welcomed in principle. However, Local Plans would still need to be positively prepared, justified by evidence, effective and deliverable and consistent with national policy. Although, the proposal is for a new single test, in practice, inspectors would still need to have strong regard to issues from the existing tests of soundness in any regard.

Removal of the Duty to Co-operate as it currently exists is welcomed. The requirement has proved to be extremely difficult to resolve cross boundary issues in areas like Brentwood, where the Green Belt covers surrounding authorities and demand for development is high. However, it is important that an effective replacement mechanism for cross-boundary strategic planning is implemented.

### **Proposal 4: Housing Requirement Standard Method**

Standardising the means to determine a housing requirement is welcomed and will significantly reduce debate at local plan examinations. However, a clearer understanding to the delivery of affordable housing as a proportion of market housing should be included within the calculation. The assumption made is that more land allocated for housing will increase the number of homes built with more being affordable. Whilst the delivery of new homes is mainly controlled by the private sector it is influenced by market conditions and so there are finite market absorption rates, as stated in the Letwin Report (October 2018).

Brentwood Borough Council permitted 435 (net) new homes during 2019/20, adding to the supply of 1,344 homes that have planning permission but have not been completed at 31 March 2020. Both supply and delivery of homes will increase with a new Local Development Plan (currently undergoing examination), but demand will continue to be high with a limited means of satisfying that because of local constraints, such as Green Belt.

The premise of the standard method is to increase housing requirements in areas with worsening affordability which will also be areas where values are high. To capture this value, national policy could require areas which exceed a certain affordability ratio to be subject to minimum affordable housing requirements. This way a higher percentage of the higher overall housing requirements will be delivered as affordable housing.

General concerns are raised about how realistic it is to continually increase housing need targets and meet these in the short-term to medium term. Whilst Brentwood Borough may benefit from a slightly reduced housing need as a result of the revised standard method calculation, many adjoining areas see significantly increased numbers beyond current needs, and in most cases far beyond recent rates of housing delivery. Whilst the Council supports a clear and consistent method to calculate need and for local authorities to play their part delivering the homes that are needed, more issues need to be tackled to unlock delivery than just planning reform. As the LGA statement on keeping planning local sets out, any suggestion that planning is a barrier to housebuilding is a myth, with nine in 10 planning applications approved by councils, and more than a million permitted homes in the last decade not yet built.

#### **Proposal 5: Outline Planning Permission for Growth Areas**

The principle of identified growth sites gaining what amounts to an outline planning permission is generally supported. However, further detail is needed on the type of outline permission as if too much detail is required for local plans it will slow down their preparation and examination.

Local plan allocations already set the principle for development in a statutory document. Site policies in local plans, followed by masterplan approval, establish clear principles. Subsequent planning applications that conform with site policies and masterplans are usually straight forward in decision making. A Development Consent Order (DCO) route for strategic sites is another option which could work, provided they are only available for sites that are allocated within adopted local plans.

#### **Proposal 6: Decision-making should be faster and greater and use of technology**

Faster decision-making is generally supported. However, in a limited number of strategic or complicated applications, which can be time-consuming to get right, decisions are dependent on other external consultees both statutory and non-statutory commenting in time. The unintended consequence of stopping extensions of time in these circumstances will either result in more refusals (due to not enough information to make decisions), or poorly informed decisions. More resources are required for local planning authorities to speed up decision making.

The Council strives for high performance in decision-making, achieving 99% of all applications decided in time and 77% granted (in a Green Belt borough), according to recently published MHCLG data. Efforts to improve performance for all authorities should be supported, but with realistic provisions for applications of greater complexity.

Making more effective use of digital technology is supported. The Council is making efforts to increase the use of digital technology in both plan-making and decision-making.

The Council support points made by the Wildlife Trusts regarding the risk that reforms will increase nature's decline, fail to integrate nature into people's lives, and undermine the democratic process for local decision-making. The further detail on these reforms that is awaited from Government should consider and address how reforms can help address ecological and climate issues, in line with the Wildlife Trusts' five principles: 1) Wildlife recovery and people's easy access to nature must be put at the heart of planning reform by mapping a Nature Recovery Network; 2) Nature protection policies and standards must not be weakened, and assessment of environmental impact must take place before development is permitted; 3) Address the ecological and climate crises by protecting new land put into recovery by creating a new designation – Wildbelt; 4) People and local stakeholders must be able to engage with the planning system; and 5) Decisions must be based on up-to-date and accurate nature data.

**Proposal 7: Local Plans should be Visual and Map-based**

Making local plans more visual and map-based is supported.

**Proposal 8: A statutory timetable for key stages of the preparing local plans**

Speeding up and simplifying local plan preparation is welcomed.

The White Paper promotes greater community participation and consultation, which is supported. However, the new proposals for local plan preparation only have one stage of consultation that is undertaken after it is submitted for examination. Again, the Council supports the LGA statement to keep planning local. The people of Brentwood Borough should have the power and voice to lead and contribute to plan-making in their communities. The Council promotes meaningful and innovative community engagement as an essential part of delivering high quality, sustainable communities. The White paper proposals should identify how the changes to plan-making will increase community participation.

**Proposal 9: Neighbourhood planning**

The Council support proposals to retain neighbourhood planning as part of reforms. We look forward to more detail on how this is proposed to be implemented.

**Proposal 10: Stronger emphasis for build out through planning**

The Council support efforts to emphasise the importance of build out on larger strategic sites, ensuring a range of development mix comes forward quickly through multiple outlets and phases. We work collaboratively with the master developer of Dunton Hills Garden Village to achieve this and clearer guidance on mechanisms to achieve this are welcomed.

## **Pillar Two – Planning for Beautiful and Sustainable Places**

### **Proposals 11-14: Local design guidance and codes**

The Council support efforts to identify the importance of high-quality design in the planning system. We have recently adopted a Brentwood Town Centre Design Guide and are working on a design guide for the delivery of Dunton Hills Garden Village. We will publish further design guidance for other development coming forward in the borough as well as work with partners on establishing the principles of the Essex Design Guide. However, design can be subjective and nationally set guidelines could result in locally popular design codes based on the lowest common denominator. A system that imposes a uniform approach for an area could be at the expense of local distinctiveness. Identifying a chief officer in each local planning authority for design and placemaking is supported.

There needs to be additional resources for training for local authority planning staff will need and health needs to be much more prominent in the planning for beautiful and sustainable places.

There should be more recognition of the role of health and wellbeing in design standards, and the positive benefits healthy places will bring to their local communities.

### **Proposals 15-16: Climate change and maximising environmental benefits**

The Council support the shift to identify built and natural environment net gains from proposals rather than the current system to measure 'no net harm'.

### **Proposal 17: Historic buildings**

The Council welcome continued efforts to protect and enhance historic buildings. Heritage should be a central feature of plan-making to inform better decisions once proposals come forward. We welcome the recognition that historic buildings will sometimes be the key to renewal and so these may need to be changed to meet modern standards or regenerated as part of wider proposals. Development should be held to the highest standard when considering heritage, but heritage assets should also be seen as enablers to growth and renewal.

### **Proposal 18: Energy efficiency**

The Council support efforts to reduce carbon and move towards the net-zero commitment by 2050. However, we feel more should be done to accelerate this shift to decarbonising the grid and to encourage individuals to shift their thinking on energy choices. Homes should be 'zero carbon ready' now rather than waiting for 2025, with provisions through legislation to make that happen.

## **Pillar Three – Planning for Infrastructure and Connected Places**

### **Proposals 19-22: Consolidated infrastructure levy**

The proposals in the White Paper for a new consolidated levy raise concerns. The principal of capturing a proportion of land value uplift is supported. However, there are concerns about the lack of detail with how much and when a levy can be sought.

The White Paper proposes the removal of s106 agreements. However, legal agreements in some form would still be required to ensure the delivery of proposals where this cannot be secured by conditions. The proposals seem to not recognise the wider legal benefit that s106 agreements bring, that they are tied to the land and are not solely based on infrastructure contributions. The concept of a single levy based on the fixed proportion of the development value removes the fundamental principle of such contributions mitigating the impact of development and there being a direct relationship between the development and the required infrastructure.

The proposals shift the delivery and financial risks of infrastructure to the public sector through local authorities. Local Authorities will not be financially prepared for this, as under the current proposals there is no certainty how much the contributions will be and when they will be received.

The principle that affordable housing is delivered on-site in kind wherever possible should be the starting point for any change in the system. Off-site affordable housing numbers are rarely as high as on-site delivery and more importantly require suitable sites, often not readily available in a borough like Brentwood because of land constraints such as Green Belt. Securing land through s106 is key to delivering affordable housing.

Thresholds are also a concern, the cumulative impact of numerous small sites not contributing to necessary infrastructure will have a negative effect for small to medium sized sites in Brentwood Borough where these tend to be the main source of local housing delivery.

Extending permitted development to contribute towards infrastructure is welcomed. Permitted development schemes should also be covered by other national standards, such as quality and space standards etc. Concern is expressed from the lack of need to comply with basic quality standards through this method of development, against many of the proposals in the White Paper for quality development and associated health and wellbeing implications.

The joint response from the Essex Planning Officers Association and Essex Housing Officers Group provides an alternative option by introducing a national levy that is evolved into a standard land/development tax to capture land value uplift and suppress land values. The infrastructure required to make developments acceptable in planning terms would still need to be secured through local more streamlined and standardised agreements with clear links to infrastructure planning.

### **Proposal 23: Resources and skills strategy**

The Council supports the identification of new skills need for local planning authorities as part of the changes proposed in the White Paper. The Council support rethinking the way that local planning authorities receive funding from those who most benefit from planning gain (landowners and developers), we look forward to more detail being published on this subject.

**Proposal 24: Strengthen enforcement powers and sanctions**

The Council supports proposals to place more emphasis on enforcement of planning standards and decisions.

**Conclusions**

The Council supports the need for reform and streamline planning. However, this should not be at the expense of local decision making and public involvement. Rushing reforms to deal with lower rates of housing growth than needed over past years will not bring the best planning outcomes for the benefit of local communities. More thought should be given to reforms that recognise the benefits of the current planning system, even if several aspects are changed, in order to arrive at a streamlined planning process that is fit for purpose and truly serves people.

This presents an opportunity for a reformed planning system to make a real difference on issues such as climate change, health and wellbeing, the natural environment and active travel. Unfortunately, we consider that the White Paper is too quiet on many of these matters or that further detail is required.

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