



Planning for the Future Consultation  
Ministry of Housing Communities and Local Government  
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Dear Sirs,

**Re: Planning for the Future – White Paper**

Planning for the Future proposes some radical changes to the current planning system, unfortunately little detail is provided with the White Paper stating specifically that it “has not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation”.

Fylde Council is extremely concerned that it, along with other key stakeholders, is being asked to comment on major changes to a well-established planning system without the necessary detail to allow an assessment of the potential impacts of the proposed changes. Accordingly, it is considered essential that there should be a further consultation and engagement on the more detailed version of the proposals that results from this consultation. This would allow better informed input into the new proposals, by Local Planning Authorities (LPAs) and other stakeholders.

**General Comments**

Changes proposed in the White Paper seem to be focussed on a limited number of areas, for example there is the usual focus on housing numbers, the other main focus being the quality in design of new housing development.

Over recent years, there have been numerous references to “fixing the country’s broken planning system”. The illustrations provided within the consultation document itself clearly illustrate the quality of development that the current system can deliver. Each of these developments will have been the subject of extensive discussions between the developer, the local community and the local planning authority. The reference to the system being broken appears, therefore, to be principally directed at the failure to deliver the number of new homes required across the country. However, it is clear from the significant number of residential planning permissions that have not been implemented that there are also challenges to the delivery of new homes that lie outside the influence of the current planning system. Unless these challenges are addressed as part of a

comprehensive review of the overall residential development process, it is doubtful whether the revisions currently proposed will address the primary issue.

Whilst the delivery of sufficient housing to meet the needs of the nation is clearly a 'key issue', it is equally as important to deliver the right type of housing to meet the needs of a particular area. With LPAs no longer required to collect evidence about the needs of their area, how will the housing delivered be tailored to meet the local needs?

There are no actual proposals to maximise the positive benefits that new development can have for health over the long term and no mention of the ageing population which is increasing the need for specialist housing and lifetime homes. Climate change (a critical issue), achieving carbon neutral homes (but only by 2025), flooding, biodiversity net gain and sustainable methods of transport are briefly mentioned. These are all extremely important issues. The White Paper should have provided detailed options and solutions for dealing with these critical issues within a defined timeframe. They are as important as housing numbers and design and should receive at least equal focus in any changes to the planning system.

As proposed, the new system, will be less democratic. The approval of new development will shift to the plan making stage, the traditional process of planning committees determining planning decisions with opportunities for the public to make representations will end. The White Paper does suggest that people's right to be heard in person at a local plan examination will be changed. It suggests that any 'right to be heard' might be removed (paragraph 2.53). The opportunity to appear at the Examination of the Local Plan may be replaced by an 'invitation only process' with the Inspector deciding who to invite. The White Paper does propose reducing both rights and opportunities to participate in planning decisions. This is a reversal of 'Localism and the devolution of power which was widely supported at the time of its introduction. The White Paper has not been widely publicised and most members of the public will not appreciate that this change is being proposed and will not therefore have commented on this aspect of the proposal. It is only when they wish to comment on a planning application or appear at an Examination in Public that people will realise that this very significant change has taken place.

Fylde Council objects to the loss of its widely understood and appreciated role in facilitating peoples' rights to participate in the planning process.

Whilst it may be considered that a zoning based approach to land use planning may provide greater certainty, it is considered that the operation of a system of the nature set out in the white paper will remove the flexibility of the existing system to respond positively to unexpected issues or unique opportunities.

### **Local Plan Production**

The idea of three categories of areas is, on the face of it, clear and simple. However, it may be difficult to define the boundaries of such areas, for example there may be a transition zone. What happens in or to land that doesn't fall neatly in to one of the three pre-defined categories? For example, development next to a conservation area may have impacts on the conservation area itself.

The three categories, Growth, Renewal and Protection are all related to one type of development – housing and the amount of housing required. There is no promotion of mixed-use development where for example people could walk or cycle to work. There is no mention of travelling to work distances and the relative sustainability of promoting mixed use development. The 'one size fits all'

approach to promoting housing above all other types of development, does not allow for variation in types of development.

The one single sustainability test appears to be a reduction in the sustainability testing process. Sustainability Testing was always a worthwhile independent assessment of the LPAs work which yielded valuable comments and changes, alternative arrangements should be put in place and they should be independent of the LPA.

The proposed timescales for plan production are very short. LPAs will have to write the justification for the Growth Areas, Renewal Areas and Protection Areas with little or no evidence to back up their proposals. The amounts of land dedicated to each area will be dictated by the housing number. However, a Local Plan is about much more than numbers of dwellings. For example, a Local Plan provides employment land, it safeguards proposed transport routes, identifies sites for schools and sports facilities and provides sites for gypsies and travellers. For each of these issues the LPA currently collects evidence which highlights, for example, what types of employment sites are needed and where. The new system does not allow for the collection of this evidence and its analysis. How will these individual issues be dealt with under the new system? If an issue is highlighted locally and the evidence collected in association with it the LPA will not be able to include a policy in its Local Plan to address it.

The latter stages of plan production are also very short, Publication and Submission are combined into one stage. It is likely that this stage will generate large numbers of responses, the Council often receives thousands of responses to a consultation which it is then legally bound to present to the Planning Inspectorate broken down by policy. This often takes months rather than weeks to compile. The obligations placed on LPAs would have to be changed in order for these timeframes to be met. The White Paper states there will be sanctions if Local Plans are not produced in 30 months, what are these sanctions? LPAs Planning Policy departments will need a considerable increase in resources if they are going to meet these deadlines. It is not clear how these resources will be funded given the proposed changes to the development management process and the likely impact these proposals would have on planning application fee income.

The White Paper states that Design Codes can be produced as Supplementary Planning Documents (SPDs) but it does not clarify what role SPDs will have under the new system. In the past the Council has found SPDs to be an efficient way of dealing with unforeseen issues that arise locally. LPAs need SPDs as a flexible tool for responding to issues more quickly than a Local Plan.

### **The Housing Number**

It is unclear from the White Paper whether the proposed standard method will be that which is being consulted on through the parallel “current system” consultation, or whether it is something else. The consultation states that the number would be binding but then that the housing requirement would be reduced in LPA areas affected by constraints. The provision of a closed list of such constraints would be helpful in understanding how this would work.

If the total distribution of binding housing requirements provides for 300,000 new homes per annum, but in certain places is subject to reduction for constraints, the number delivered nationally will not be 300,000. Is it intended that areas without constraints will have elevated binding requirements to allow for this, and if so, how will this be calculated?

The proposal for authorities to “agree an alternative distribution of their requirement in the context of joint planning arrangements” fails to explain how this would or could be achieved other than through mayoral direction, and in the absence of clarity could result in disputes between authorities and challenge to plans as happens at present. In particular, would it be a requirement of the new system to enter into such arrangements, and if so in what circumstances?

The proposed standard method lacks any flexibility, so for example a LPA should be able to negotiate a higher figure if the resulting figure is low and it wishes to provide for growth.

It is clear from the operation of the duty to co-operate to date that some form of strategic planning is required in order to address the distribution of housing, rather than relying on simple forecasts. This strategic approach should be applied to all levels of development and not simply to major infrastructure or strategic sites as set out.

### **The Infrastructure Levy**

It is unclear how affordable housing will be delivered via the Infrastructure levy. Rates will be set nationally however, the viability of development varies within a Local Authority area, as well as between Local Authorities with reduced viability in the North. If the Infrastructure Levy is set too high nationally it will reduce the viability of development, affecting the deliverability of affordable housing. Affordable housing may not be delivered at all in areas with low viability and it is in these areas where it will often be most needed. In addition, allowing affordable housing contributions to be made in kind will also undermine the delivery of inclusive communities comprised of a mixture of tenures.

### **Design and Quality Aspects**

The proposals within the White Paper as regards the desire to see more attractive, high quality developments and places is fully endorsed by the Council. The idea of design briefs, parameter plans, and design coding are not new. Various schemes throughout our Borough have taken this approach, particularly in the case of sensitive sites in existing urban areas. In general, developers apply elements of design codes to sites, but these are largely ‘standards’ that are generally deemed to be necessities. Examples would be the spacing of dwellings on sites, highway requirements and car parking. However, the application of these types of parameter do not equate, of themselves, with attractive, characterful development.

Despite Government pronouncements through the NPPF, for example, good design can be difficult to achieve, particularly with national or regional developers who have a standard product or style that may not be in keeping with the character of a particular area.

Much of what has been achieved locally has been the result of high-level negotiation. In principle, the concept of locally derived design specifications – design coding - is to be supported although the White Paper and the policy, as it develops, leaves much to be considered in respect of practical application, as outlined in the points below.

### **Potential issues which require further consideration include:**

- The local plan process and its potential impact on design could be less effective if ‘hostile’ planning applications are made related to factors such as land supply issues;
- In such a case as that above, it would need to be a requirement that developers engage with local planning authorities to establish what parameters might be appropriate. This could

lead to disagreement and so the issue might lead to an adversarial situation with an issue of arbitration being a particular problem;

- There is potential difficulty with defining the level of prescription and detailing for sites;
- Would the design codes for a particular site be subject to challenge and if so, what would be the process? How would compliance with a particular design code be assessed?
- There is a need for developer recognition that standard design solutions may well not be appropriate, and this could affect their incentive to develop in certain locations;
- The issue of public engagement is potentially difficult i.e. identifying what level of engagement might take place, when and how;
- Extensive public engagement could be time consuming and controversial, in particular, in establishing a design code that relates to a theoretical future development;
- There is an assumption that design code complicit development would be 'fast tracked'. This could mean that extensive design studies would be required for localities (which can be done and has been trialled in, for example, the development of local listing projects) such that requirements for specific sites can be ascribed design coding or design requirements. Existing local design guides would assist with this;
- National Support and resourcing would be a key issue and how this would permeate to a local level;
- Ensuring enough trained staff are able to take the process forward.

In conclusion, it is considered that there is insufficient detail to allow the proposed changes to be assessed thoroughly at this time. From the information currently available, the proposed changes to the planning system are focused too tightly upon the need to deliver new homes in sufficient quantity to meet the assumed need and neglect the consideration of the wider issues that the planning system addresses.

The Council disagrees with the rigid imposition of the standard method for calculating housing need, which includes no flexibility for a LPA to amend its housing number to reflect local circumstance other than in very limited undefined instances. It also very strongly disagrees with the removal of the democratic process which currently allows public participation. This is a 'by the back door' change to the 'Localism Agenda'.

In short, it is considered that the limited details of the proposals set out in the white paper, will produce a rigid system of planning that is required to adhere to predetermined plans and standards and will not provide the flexibility that allows the current system to respond to unusual or exceptional circumstances.

I hope the above comments will assist in refining the proposals for reforming the planning system and Fylde Council looks forward to further consultation on the next version of the proposals.

Yours faithfully

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