

## **Written evidence submitted by Rother Association of Local Councils (RALC) [FPS 012]**

This response to the Housing Committee's call for evidence has been produced by a group of parish councillors who have been involved in neighbourhood planning in the district of Rother, East Sussex, 83% of which is in the High Weald Area of Outstanding Natural Beauty (AONB). It is submitted by Rother Association of Local Councils (RALC) which represents 31 Parish Councils across Rother District.

### **1. *Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?***

- The White Paper starts from the incorrect premise that local planning is preventing the house-building volumes that are required. It is of major concern that this incorrect premise is used to justify a complete overhaul of the current planning system.
- Whilst the current planning systems is not perfect, it does not need a major overhaul, but rather changes in some areas (for example in the amount of work required to produce a local plan).
- Affordability will not be improved by building more houses in an area. This is particularly true in the rural south-east, with incomers from London able to pay far more than local people.
  - We are strongly in favour of simplifying the production of a local plan. At present, it takes five years (or more) to produce a local plan and, since these must be revised every five years, LPAs are always playing catch-up. The amount of evidence provided with most local plans is disproportionate but more importantly often becomes out-of-date before the plan is adopted. The White Paper suggests strengthening the enforcement of LPA and national policies, and this would be welcomed. However, we have issues with how the White Paper suggests this simplification will be achieved.

The specific changes suggested are:

- a single statutory “sustainable development” test for soundness.

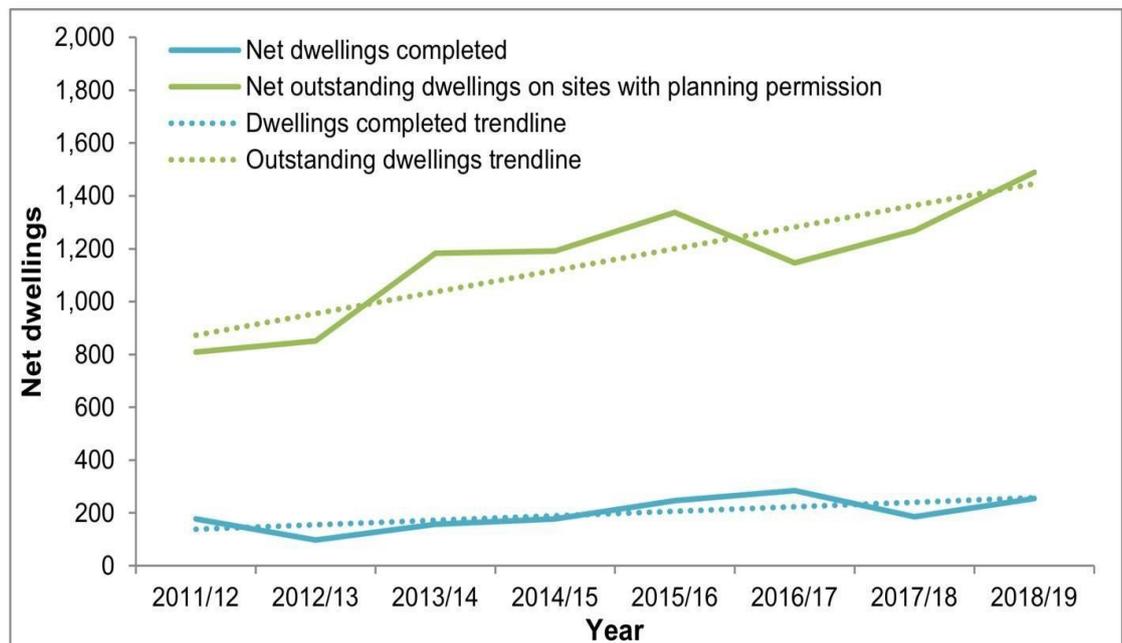
There is no detail given on this test. The Duty to Cooperate is abolished (which is welcome, as it has been used to reject LPA plans during Inspection if they do not meet their housing numbers as defined by central government, no matter what their reasoning and evidence is. However, there is no detail on how cross-boundary issues would be managed.
- the Local Plan will produce any “necessary evidence” to justify its plan.

There is no detail on what constitutes “necessary evidence”.

- The White Paper pays lip-service to Neighbourhood Plans, and then relegates them to providing merely a local design code. Their ability to allocate sites locally would be lost. This negates the localism aspect and trashes the considerable work which has gone into the existing 1000 or more Neighbourhood Plans. Neighbourhood Planning has been lauded by the government for delivering more homes than Local Plans, whilst gaining acceptance of development by local residents.
- The White Paper would make the NPPF the primary source for development policies, with local plans restricted to site or area-specific requirements via a local design code. Again, no detail is given as to what these requirements would be.

**2. In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?**

- The number of houses (about 1 million – 3+ years supply) which have been given planning permission and are not being built proves that the bottleneck is not in local planning. In Rother, the number of houses **with** planning permission but **not built** has increased over the past ten years faster than the number built.



- This is because housebuilders will not **build** houses unless they are assured that they can be sold quickly and at a rising price (but certainly not at a reduced price) [Letwin report Oct 2018].

**3. How can the planning system ensure that buildings are beautiful and fit for purpose?**

- This is best done, as now, by the planning committee. Local design codes (as in the High Weald AONB) provide a basis, but can be ignored by builders, so the planning committee is and should be the final arbiter.

**4. What approach should be used to determine the housing need and requirement of a local authority?**

- This is always best done locally, since local conditions vary widely across England. A standard method as a basis might help, but if it is applied without any variation across the whole country, it will only lead (as in the current proposals) to enormous anomalies which bring the method into disrepute.
- The standard formula should not apply to protected areas. Because of the emphasis on building more houses to improve affordability (an incorrect premise – Letwin report), it distorts the figures, with enormous increases in south-eastern rural areas and virtually no increases in northern urban areas. This will only emphasise the north-south divide.
- The lack of affordability in the south east is not due to a lack of housing, it is due to the proximity to London, with affluent incomers prepared to pay far more than residents for housing (since it costs much less than it does in London).
- The formula proposed for calculating housing targets double counts the affordability element, increasing the imbalance between north and south.

**5. What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?**

- The proposals for using technology to make planning decisions are worrying, as they suggest a lack of practical knowledge of IT and its limitations. The civil service is not renowned for successful IT projects. The planning notice on a lamp-post is rejected, instead the White Paper suggests engagement with the public by smartphone. This approach will disenfranchise large sections of the population: the elderly, the poor and those in rural areas who do not have fast broadband or good mobile phone signals. Experience during the development of a Neighbourhood Plan in rural areas has clearly illustrated that a variety of approaches to engaging local people is needed, and IT is often the least successful.

**6. How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?**

- The White Paper proposes that land areas will be growth, renewal or protected with automatic approval if growth.
- The major problem with this proposal is the lack of detail, particularly for the protected areas. These protected areas are stated as being “Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space”. These areas total about 35% of the English land area, yet there is no detail in the White Paper as to what level of protection would be afforded.
- It is a concern that, whilst Green Belt is mentioned several times in the paper as needing protection, Areas of Outstanding Natural Beauty are mentioned only once in the Introduction and once in the main paper.
- The idea of three areas over-simplifies the situation. Within a protected area, for example, there will be a need for small-scale, organic growth to prevent stagnation.
- The proposal for automatic outline planning approval for growth areas prioritises housing at the expense of everything else. There is no definition of the information required from developers, but it will certainly be less than at present. Once an area is defined as growth, there appears to be no democratic method of stopping an unsuitable development.

**7. *What changes, if any, are needed to the green belt?***

- No changes are needed.

**8. *What progress has been made since the Committee’s 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?***

- The current situation and the White Paper proposals leave too many loopholes for developers to reduce their obligations with regard to infrastructure and affordable housing. Many developers gain outline planning permission including a commitment to affordable housing; at a later stage, they reapply saying that the site is not viable. Viability is manipulated, with the LPA agreeing to a change because they need to meet their housing targets. The proposal in the White Paper to set one rate of CIL is an attempt to make one size fit all, which will not work. Having said this, the viability test should use the land value as purchased and for which an application is made, not the value of any other previous permission or opportunity value.

- The infrastructure levy should **not** be used to provide affordable housing. Its purpose (hence its name) is to provide the infrastructure necessary when significant numbers of houses are being built.
- The White Paper has missed a major opportunity with regard to land values. The increase in land value once planning permission is obtained should be taxed to fund planning departments, ensuring land owners also contribute.
- Once planning permission is granted, it should not be possible for a developer to claim later that the site is no longer financially viable unless his obligations (on infrastructure and affordable housing provision) are drastically reduced.

## Conclusion

The White Paper says it will increase public involvement in planning. Instead it will reduce it by such actions as:

- making many planning decisions automatic (particularly in “growth” areas) or delegated to planning officers with no accountability for their decisions.
- digitising local plans and planning decisions which disenfranchises large sections of the population.
- reducing Neighbourhood Plans to providing merely a local design code with no say over housing or site allocations, thereby undermining the whole principle of Neighbourhood Planning localism.
- removing the right to be heard by inspectors during local plan examination.

The White paper will further reduce local democracy by proposing that central government sets all important parameters for development:

- Minimum housing targets for LPAs will be set in concrete by central government. –  
Infrastructure levy rates will be set by central government.
- Development management policies will be set by central government – local plans will be restricted to defining the land areas and setting a local design guide.

The White Paper has been written with little detail and with apparently little understanding of how the planning system works in LPAs, particularly in rural areas. It is heavily biased to the demands of a few large house builders (who are currently making enormous profits out of house building) and to **urban** planning.

There is no mention in the White Paper of climate change or bio-diversity loss and how these might be addressed in the planning system.

The White Paper puts too much emphasis on First Homes when all the local needs assessments in Rother show that the greatest need is for social rented housing.

There are one or two useful suggestions, such as reducing the time and effort required to produce a local plan and strengthening local enforcement. However, if this White Paper is implemented, it will reduce public involvement in planning and instead centralise many important decisions. This is a heavy blow to local democracy.

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