

BRENCHLEY AND MATFIELD PARISH COUNCIL COMMENTS
‘PLANNING FOR THE FUTURE’
28TH OCTOBER 2020

Pillar One - Planning for Development

1. What three words do you associate most with the planning system in England?

Democratic: Residents and statutory consultees are able to comment on applications that are open to scrutiny on planning portals.

Complex: the process for processing more complex applications is slow.

Biased: the reluctance of a LPA to go to Appeal favours large developers.

2. Do you get involved with planning decisions in your local area?

The Parish Council is a consultee on planning applications.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

By the following methods: social media; online news; LPA websites; email notification; notices at planning application sites.

4. What are your top three priorities for planning in your local area?

The top three priorities are: increasing the affordability of housing; the environment, biodiversity and action on climate change; the design of new homes and places.

5. Do you agree that Local Plans should be simplified in line with our proposals?

Yes and No

In general the existing Local Plan process is too complex, producing documents that take far too long to develop, have an excessive length and refer to a large number of supplementary documents. A streamlined visual plan focusing on development areas would be preferable. Local Plan policies need to be developed with regard to local circumstances and strategic policies developed nationally would be inadequate in reflecting local needs.

The classification of land into the three areas of Growth, Renewal and Protected appears to be a good starting point. However, the proposal to confer ‘permission in principle’ or a ‘presumption in favour of development’ within growth and renewal areas leaves only protected areas with proper planning control. The proposed system for growth and renewal areas appears to be an open invitation to landowners and developers, motivated by profit rather than need, to make low cost applications. If the designation of growth and renewal areas makes approval in these areas more likely, developer should be discouraged from making applications in Protected Areas by stringent conditions. Local authorities should continue to set development management policies as under the current planning system.

Within the three classifications there should be sub-classes of land use identified on the maps. For example, community-led housing, self-build and custom-build should be identified in the Growth category. In the Protected category Green Belt, AONB, Flood risk areas, conservation areas, green areas and open countryside should be included in sub-classes. A revised NPPF should give local authorities more power to manage development in line with local needs.

The proposal for sites allocated in Local Plans in the Growth category to have automatic outline approval for development would remove uncertainty for developers. Unfortunately the early Local Plan stage would be the only opportunity for local communities to object, which would be inadequate. One of the aspirations of the White Paper is ‘to move the democracy forward and give

neighbourhoods and communities an earlier and more meaningful voice'. The new process should ensure that engagement is able to take place at the Local Plan stage in a meaningful way.

A definition of the term 'substantial development' for Growth Areas should be clarified in the management policy.

The suggested of combining Growth and Renewal areas into one category (2.11) and extending permission in principle to all land in this category would not be supported.

The approach outlined in 2.12 would not significantly change the existing planning process, except for Growth areas, but it might be preferable for the Local Authority to have greater control in the Renewal category.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No

To reduce the length and complexity of Local Plans, policies in the National Planning Policy Framework should be the primary source of development management policies and any duplication of these policies in Local Plans would not be necessary. It is unclear whether any revised NPPF policies would be subject to public consultation, which would be desirable.

It would seem impossible to produce general policies that would apply to all regions of the country, which in turn have a wide variation in settlement pattern, environmental issues, land usage and housing need. Local authorities should be able to include management policies in Local Plans and local people and councils should be part of the decision making.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?

No

Further clarification of the 'sustainability development test' is needed before any view can be taken on whether it can replace the existing evaluation process. Environmental, social and economic objectives should be integrated in assessing the environmental impact of plans.

The Sustainability Appraisal system complicates and extends the Local Plan process and this aspect of the process is in need of simplification. The proposed assessment of the environmental impact of plans needs further clarification, as it sounds more like a repackaging than an abolishment.

The removal of the Duty to Cooperate will also reduce the time taken for Local Plans to be developed, particularly as that process generally failed to obtain cooperation between local authorities.

Adequate infrastructure would be essential for developments, particularly those in the Growth category that would be awarded outline planning approval. Sites should not be included where there is no prospect of infrastructure coming forward in the plan period. Deliverability needs to be a factor in the sustainable development test.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Large developments close to local authority boundaries will impact on facilities in adjacent areas. There should be an adequate opportunity for local authorities to comment on other Local Plans in the early stages, through a local strategic planning tier.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

No

Housing requirement is a complex subject, which includes consideration of the type of tenure, affordability and size of home. A simple numerical approach is inadequate in providing a solution.

The proposed standard method produces a high housing number requirement in areas of high affordability. There is no evidence that increasing the housing stock will deflate property prices, which are governed by market forces. Developer margins will always dictate a controlled release of homes onto the housing market while maintaining property prices.

In highly priced areas the greatest need is either for social housing and affordable housing for rent or affordable housing for sale at discounted prices. In London and the South-East the lowest quartile house price is still unaffordable for first time buyers, particularly those on artisan wages. The First Homes scheme at high discounts should help in rural areas and areas of high affordability.

The standard method fails to fulfil the identified need for housing in areas of historic low affordability, such as the settlements in the Northern Powerhouse. The new algorithm has produced a large expansion of housing only in London and the South-East, while the stated intention of the government was the divert growth away from these areas to other parts of the country, such as the Northern Powerhouse. The new algorithm has exacerbated the North-South divide that the government had pledged to remove.

The housing figure of 300,000 per annum has no empirical basis and the level of development should be dictated by housing projections, based on need.

Local Authority Areas that include National Parks, AONB, Green Belt and flood risk should not be subject to a housing figure based on affordability and constraints imposed by the factors should be applied to any proposed binding housing figure.

Brownfield Site Registers should be updated and all housing developments opportunities in these sites should be explored.

The planning system has been successful in processing applications, with almost 90% of applications gaining approval. Planning decisions have not prevented development from taking place, although in some cases there has been some delay in gaining approval. Rather than blaming the planning system for a low house building rate other issues need to be addressed, such as the delay in building once planning permission is approved and the release of homes being dependent upon market forces. The housing delivery test penalises local authorities who are unable to force developers to build on land which has planning permission.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated.

No

The number of homes should be based on local need and the ability to accommodate new development in a sustainable manner.

Urban areas generally have higher affordability than rural areas but residents have access to a wide range of facilities and homes are far more sustainable. A major proportion of development should be concentrated in urban areas, through the development of brown field sites or by extending the limits to built development. If 8(b) is suggesting that high affordability and the extent of urban areas should limit future development, this would not be supported.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent.

No

The granting of outline permission for areas of substantial development should only be considered following consultation in the early stages of a Local Plan, with full regard to infrastructure, deliverability and sustainability. There should be no automatic permission granted.

How will the government ensure its aspiration for greater democracy?

A fast track time scale for detailed consent should not compromise the ability to comment on the plans. More information on the proposed fast track is required. It seems unlikely that a streamlined system is achievable without compromising quality and the democratic process.

To mitigate against local authority management costs there should be an application fee system for sites being put forward in a Call for Sites and an additional fee for those sites in Growth areas that are allocated and given Outline Planning approval.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No

For renewal areas a presumption in favour of development suggests that applications would not be subject to the same level of scrutiny as under the present system. An extension of Permission in Principle would not be supported in larger developments in Renewal areas.

A full planning application should be required for Protected areas, with a full consideration of environmental and sustainability issues in rural areas.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No

Nationally Significant Infrastructure Projects (NSIP) are major infrastructure developments that bypass normal local planning requirements. These include proposals for power plants, large renewable energy projects, new airports and airport extensions, and major road projects. New settlements should not be included with essential projects involving national infrastructure.

Local communities need to have an involvement in major developments in their areas. New settlements should be seen as a last resort after the development of brownfield sites, re-development and urban extensions.

10. Do you agree with our proposals to make decision-making faster and more certain?

No

We support the principle of using digital technology to speed up and make more transparent the planning process. However, as elsewhere, the White Paper appears here to value getting a quick answer over getting the right answer.

In particular, we do not support a one-size fits all rule for the timing of determination of planning applications. Nor should there be any automatic granting of permission if a deadline is missed. Developments will last for decades; to approve a proposal simply because a planning deadline is missed is highly disproportionate.

In seeking to enhance the use of digital technology, it would be essential to avoid the substance becoming the servant of the software.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Not sure

We should certainly embrace the opportunities that digital technology provides to improve the Local Plan process and engage more effectively with the community, but there is insufficient detail about what this would entail in practice to give a definite answer.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Not sure

We support the principle of faster preparation of Local Plans and 30 months seems a reasonable time limit. However, it is essential that this does not lead to neglecting important elements of the process.

We do not support the idea of the draft Local Plan going to the Secretary of State at the same time as being opened for local comment. A substantive opportunity for local comment and debate is needed on the basis of the draft.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes

Local development needs to reflect the views and priorities of the local community if the system is to attract widespread support. But this needs to be about more than the fine detail of proposed development, giving local communities a voice on such issues as location, type of development, infrastructure and environmental issues

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Closer dialogue and greater transparency between the planning authority and Neighbourhood Plan processes should help ensure that local voices are heard and that a balance is struck between national policies and local situations and views.

The suggestion of greater reliance on nationally-set policies is a threat to local communities having a say on planning issues and priorities and to development being sensitive to local issues and priorities. One size does not fit all, and Neighbourhood Plan groups will not have the resources to conduct an effective dialogue with national government on planning issues. There is an important role for the current tier of current planning authorities.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Developers should be required to implement approved schemes within tighter time frames or lose the permission. This would help get away from the current situation where house-building is said to be insufficient but developers are not implementing schemes for which they already have approval.

Pillar Two – Planning for Beautiful and Sustainable Places

15. What do you think about the design of new development that has happened recently in your area?

Fair – but could be better.

The Brenchley & Matfield Parish largely falls within an AONB so currently has some added planning protection. Generally the design of new commercial developments, which tend to be smaller scale, with the largest so far being 20 homes, broadly follow national design standards, with some enhancements to try and reflect local design principles. The ongoing preparation of the new Neighbourhood Development Plan, conceived under the current planning system, seeks to achieve better guidance for developers to follow on local design styles that have evolved over time in the local rural area and to see these adopted in new schemes. Without input from the local authority planners these recent developments could have become identikit housing schemes not reflecting local characteristics.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Maintaining rural character of the area and minimising reliance on cars.

The parish is currently suffering from a significant increase in vehicle traffic on rural roads not designed to cope with the volume of traffic already now using them. Adding significant additional housing not only within the parish, but in surrounding towns all too often accessed by roads passing through the parish, is causing significantly increased safety issues for the small rural community. None of the additional development should be progressed prior to provision of improved infrastructure and enhancement of safe routes for walking and or cycling and provision of adequate parking for all new schemes. There is limited employment opportunity within the parish and public transport is very poor, with the result that any housing development in the parish cannot strictly be considered sustainable as every new home inevitably involves additional car usage. The nearest railway station whilst only 3 miles away, is only accessible on a road on which it is theoretically possible to cycle, but not safe to do so.

There is also strong support for new buildings to be energy efficient, new developments must respect the current climate emergency agenda. None of the parish has mains gas, although reliance on gas needs to be phased out in any event nationally. Any new developments need to be very energy efficient and include eco-friendly means of heating and other energy sources.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

Yes and No

The preparation of design guidance and codes locally with community involvement already takes place now, under the current planning system, through the Borough Council's Local Plan and the parish's Neighbourhood Plan. So whilst a similar process is being promoted under the proposed

changes, it would appear to be a diluted process, in that such local measures sit below a new proposed National Design Guide, National Model Design Code and Manual for Streets. So with the consequent effect that local influence and control becomes very limited, and this will only exacerbate the complaint already referred to in question 15 above, in that developers will be even more predisposed to have standard national design and build templates for any schemes and just make tweaks to suit local criteria.

The proposal is actually quite contradictory in that there is a suggestion of local and community involvement but only within the confines of a National Policy and Design Code. So rather than improving on the current failings in the existing process in achieving truly local characteristics in new developments, this will again promote identikit schemes with local design concessions.

Some of the images used in the White Paper document itself, presumably as examples of purported excellence, simply confirm these fears.

18. Do you agree that we should establish a new body to support design coding and build better places, and that each authority should have a chief officer for design and place-making?

Yes and No

The same point again, the preparation of local design guidance must be retained at a local level. If local planning authorities have to work within the confines of a National Guide, prepared by one body, then this is not truly local. That said, a national body that truly provides support to achieve a locally generated design guidance via its Local Plan, would seem reasonable.

It would seem logical to have a National Guide, only applicable to areas where no Local Plan is in place. The local planning authority should remain the first default for the preparation of Local Plans and with that, local design guides and codes. Each local planning authority should most certainly have its own chief officer, locally accountable, for design and place-making.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

No

Homes England are a public body with a stated objective of getting more homes built by unlocking land availability, unlocking investment and increasing productivity, always with the over-riding objective to prioritise home-building. Is this the right body to be overseeing good design and delivering beautiful places? With the parish being largely AONB, it already has beautiful landscape, the challenge is to sympathetically plan new developments with good design and sustainability but without harming that environment.

It is hard to see how quality design for a rural area can be incorporated in a body with a primary objective of simply building more homes. Separating the function of a body such as Homes England, from the local planning authority, maintains necessary checks and balances, to enable the delivery of truly good quality and locally sympathetic design and enhancement of the local environment.

20. Do you agree with our proposals for implementing a fast-track for beauty?

No

The objectives stated appear sound, but the methodology proposed of achieving them is not appropriate for a rural parish in the AONB.

Permitted development proposals which are aimed at delivering “gentle intensification” of towns and cities is absolutely not appropriate in our rural parish environment. The stated “fast delivery of proven popular designs” and “industrialisation of housebuilding, enabling modern methods of construction to be developed and deployed at scale” are incompatible with a rural parish of two villages set within an AONB.

The suggestion of “form-based development types” is totally contrary to the issues already flagged in terms of fostering appropriate local design principles and to protect the character of the area.

Such proposals can only really be seen as beneficial for encouraging redevelopment of brownfield land, in the context of regeneration of areas within existing town and city centres.

Proposal 15 – Amending the NPPF to play a role in mitigating and adapting to climate change and maximising environmental benefits (pages 56 to 59)

Without the scrutiny of a supported planning application it is hard to envisage what role the planning system can play in ensuring that environmental gains and green infrastructure are given sufficient weight in all development plans. There needs to be an agreed, measurable definition of 'net gains' set in policy to prevent the loss of habitat and carbon storage in the natural environment resulting from development.

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.

If environmental and sustainability appraisals are to be phased out, it is unclear on what basis and by whom developments, particularly in the 'growth' regions, will be held accountable for their environmental impact without oversight by LPAs.

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

Any changes in the planning system should continue to value and enhance historic buildings and areas. Local and Neighbourhood Plans should include details of historic buildings, conservation areas, protected views and other historic assets.

The planning system should also be supportive of home adaptations necessary for 21st century living, including measures necessary to mitigate the effects of climate changes. Standards for improving roof and wall insulation or installing double glazing in traditional frames could be defined to accelerate applications for work carried out by approved contractors.

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 2025 target of 75-80% lower CO2 emissions of new buildings compared to current levels is ambitious and welcomed however the net zero target should be achievable and set well before 2050. The question of enforcement is pertinent as there is a significant gap between design and reality. The comment that local authorities will have lots more time to focus on enforcement is disingenuous given the potential complexities of the transition arrangements and the current pressures on staffing levels and funding.

Pillar Three – Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what comes with it?

Our rural Brenchley and Matfield parish is situated within AONB. A priority is affordable housing within the development. We are looking for good, sustainable design, maintaining rural character and not having over reliance on vehicle use. We look for sufficient residential and visitor parking, new pavements for safety, play areas for children, landscaping of the new development to respect the surrounding AONB, and net gain in biodiversity.

22(a) Should the government replace the CIL and section 106 planning obligations with a new consolidated IL which is charged as a fixed proportion of development value above a set threshold?

The current CIL or Section 106 agreement system is complex and negotiations are unpredictable. An improvement in the Infrastructure Levy would be welcomed although there is little detail in the paper, and this lack of detail immediately raises questions around the ability of LPA's delivering much needed infrastructure. Planning obligations in Section 106 agreements are currently used to deliver a vast array of public benefits which a new consolidated IL might not.

22(b) Should the IL rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Set Locally

22 (c) Should the IL aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure , affordable housing and local communities?

More value to support infrastructure, affordable housing and the local community.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes, but this will not greatly affect our rural parish.

24(a) Do you agree that we should aim to secure at the same amount of affordable housing under the IL and as much on-site affordable provision, as at present.

Yes – There should be less complicated proposals aimed at ensuring affordable housing is delivered. There is no detail in the White Paper of broader investment in social housing.

24(b) Should affordable housing be secured as in-kind payment towards the IL, or as a 'right to purchase' at discounted rates for local authorities?

Yes, as in-kind payment towards the IL.

24(c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

No, and the parish council should be fully involved

24(d) If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Yes – the developers need to deliver affordable units to a good standard, in the same way as market units.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

There is lack of detail on the LPA's ability to spend the IL, and in turn borrow against future IL receipts for infrastructure etc. Local parishes should be fully involved with the LPA with decisions of the spend. Developers will be expected to deliver some of the affordable housing, but other infrastructure is often needed at the right time to sustain the new development.

25 (a) if yes, should an affordable housing 'ring fence' be developed?

Not applicable – please see above.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

The reforms would disadvantage vulnerable groups unless LPAs were able to set development management policies in the Local Plan, tailored to local needs.