

Planning for the Future White Paper

Response from the City of Durham Parish Council

Principal response

The City of Durham Parish Council has prepared a Neighbourhood Plan and has participated fully in the preparation and Examination of the County Durham Local Plan. It vigorously uses its right formally to comment to the local planning authority - Durham County Council - on planning applications, and several of its Councillors are experienced in planning matters over decades. It recognises the frustrations felt by applicants and by communities over some aspects of the planning system, and supports measures that bring the system up to date with modern challenges, with new ways of working, and with striking the right balance between speed and democracy.

On that basis, our principal response to the White Paper is to welcome several aspects such as advocating high standards of design but to reject the fundamental premise behind the White Paper that the UK planning system is broken. Our experience is that, whilst imperfect, it is much to be preferred over alternatives such as zoning. This is particularly the case in the removal of public and local authority input on development proposals in the suggested 'growth areas.'

Responses to the White Paper from a very wide range of other bodies provide the key information to demonstrate that it is not the planning system that is the obstacle to achieving the Government's target of at least 300,000 new dwellings per year:

- There are one million un-built new dwellings with planning permission
- 90% of planning applications are approved each year
- Developers store planning permissions (a) as quotable assets and (b) to prevent supply outstripping demand and causing prices to fall
- The last time 300,000 dwellings were built in a year was 1969-1970; 135,000 of these were built by local authorities for rent.

It is finance, not planning, that is the blockage, notably:

- insufficient funding for local authorities to build at least 100,000 new social dwellings per year;
- ten years of austerity reducing household incomes and ability to moving up the housing ladder;
- insufficient funding for first-time buyers;
- excessive profit levels for developers;
- approved large sites being land-banked and not developed quickly in case a ready supply of houses lowers the prices developers can charge;
- the benefit bestowed by planning permissions of enhanced land value is not adequately captured for the community.

Durham city is small - the Parish Council area has a total population of about 28,000 (of whom about 18,000 are Durham University students). Many hundreds of new dwellings have been approved within and on the edge of the city in the past decade and have been built, virtually all in the so-called 'executive housing' sector. Releasing more land would not create the housing that local people need.

The Durham City Neighbourhood Plan has been cleared, with amendments following independent Examination, to proceed to referendum. The Parish Council is alarmed to read Locality's comments on the White Paper that "*the government is also considering changing the role of neighbourhood plans to focus on a smaller range of planning issues, which may mean the motivation for residents to pursue such plans is reduced.*" We cannot understand why all that dedicated volunteer effort, epitomising the core purposes of the Localism Act 2011, is to be over-ridden by crude zonal designations and standardised national policies.

Our conclusion is that, whilst several aspects of the White Paper are welcome (see our answers to the questions), and the subordinate options mentioned may emerge as the least worst outcome, its headline proposals sidestep the above realities and tilt at an assertion about planning failure that has little more basis than pub talk.

Answers to the White Paper's questions

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

Valued, civilised, well-being.

2(a). Do you get involved with planning decisions in your local area? **[Yes / No]**

2(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

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?

[Social media / Online news / Newspaper / By post / Other – please specify]

Direct electronic notification as a statutory consultee

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

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / **No** / Not sure. Please provide supporting statement.]

We do not agree with the main option of limiting local plans to no longer containing policies, instead just consisting of a core set of standards and requirements for development, under a national, universal, blanket set of policies. The very notion that planning polices would be the same throughout the country runs counter to the exhortation for greater public engagement at the plan-making stage. The third option offered, of retaining policies in local plans except those that would duplicate NPPF policies, is far preferable.

Nor do we agree with abolishing the Duty to Co-operate. This Duty has only recently been strengthened to ensure that housing need that cannot be met within the boundaries of one local authority should be met in the adjacent authority area. The White Paper proposes a new algorithm for calculating a new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. When a local authority finds it physically impossible to meet that imposed figure of housing need there will have to be spillover, or the intention of a binding housing requirement figure will be thwarted.

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

[Yes / **No** / Not sure. Please provide supporting statement.]

We view question 6 as the same as question 5, and our response is the same as given above.

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?

[**Yes** / No / Not sure. Please provide supporting statement.]

We experienced a 12 month delay in progressing our Neighbourhood Plan when a SEA requirement was placed on us 'out-of-the-blue'. Locality provided the essential technical expertise but it felt very much like a box-ticking exercise. It did have the virtue of giving an independent evaluation of a controversial choice regarding Local Green Spaces, but we would have greatly preferred to not have been required to have an SEA.

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

The formation of combined authorities, or of a sub-regional planning team, are the next steps.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

The Government is frustrated that its national target of 300,000 new dwellings per year has not been achieved, and that up-to-date policy-free national household projections have not come up with the 'right' answer. The DHCLG's prevailing solution is to pick an older, higher household projection. The White Paper, and its companion consultation document, proposes an ingenious formula. Its starting point is the remarkably crude annual requirement that the annual build rate should be 0.5% of current housing stock. There is absolutely no basis for 0.5% as opposed to any other percentage. It has been chosen simply because it produces the national quantum of at least 300,000 new dwellings per year. Having said this, we support the principle of a standard method for establishing housing requirements and the ideas in the White Paper for moderating the numbers locally in the light of constraints such as Green Belt.

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?

[**Yes** / No / Not sure. Please provide supporting statement.]

The heart of the housing crisis is not so much an overall numerical target as a lack of the right kind of new housing, and affordable and social housing are the priority kinds. Respecting the extent of existing urban areas and not sprawling into the countryside are longstanding principles which rightly should be part of assessing the quantity of development to be accommodated.

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?

[Yes / **No** / Not sure. Please provide supporting statement.]

This is the core rationale for the zoning proposals. Automatic outline permission removes much of the negotiating leverage of the local planning authority and thereby the democratic voice of the residents and businesses of the area. Plan-making councils already include land use allocations in their local plans, including substantial areas for residential and employment developments and so the current system already

provides the certainty sought by the White Paper's proposals for growth zones.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

The proposals retain the role of planning permissions and explicitly recognise the importance of neighbour and interested party consultations.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

Not an issue for our Parish Council but we see the logic of this proposal.

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

[Yes / **No** / Not sure. Please provide supporting statement.]

This is a mixed-bag of good ideas, retrograde ideas and impractical ideas. Essentially, the many aspects of digitisation and electronic formats are good. The ideas about less data and standardised planning statements are retrograde in our opinion as society becomes more sophisticated and thoughtful about the wider implications of developments. The ideas about decisions always being made within the statutory time limits are impractical unless staffing levels are restored from the greatly depleted present levels across the country.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

These proposals that plans should be fully digitised and web-based following agreed web standards are welcome (but obviously not the repeated proposals for reductions in data, evidence and content).

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

[Yes / **No** / Not sure. Please provide supporting statement.]

We fully support, from direct experience, the desire for shorter plan-making timescales. However, the White Paper says "Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our

proposals, this would be shortened to 30 months.” This is demonstrably not feasible; the White Paper sets out 5 stages of plan preparation, allowing a mere 12 months for the local plan to be drawn up but a full 9 months for a Planning Inspector to consider and report. This disparity between the time allowed for the Council and the time allowed for the Inspector is plainly compressing the Council’s time unrealistically. We would suggest at least 18 months for the Council to draw up the plan, and will not be surprised if principal authorities argue for longer than that.

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

[Yes / No / Not sure. Please provide supporting statement.]

The Localism Act 2011 was a fundamental strengthening of community engagement and rights, taken forward with extraordinary dedication and faith through neighbourhood planning fora and Parish and Town Councils. Ministerial Statements have emphasised and reinforced the role of neighbourhood plans for local people and businesses to shape their area. It is most welcome that the White Paper envisages the continuation of neighbourhood plans, though we remain wary about the hints of limiting their scope.

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?

The White Paper’s suggestions are welcome and endorsed.

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?

[Yes / No / Not sure. Please provide supporting statement.]

We are very supportive of breaking large development allocations into smaller elements to enable a variety of schemes and builders, especially small local building firms, to advance construction and build-out.

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

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn’t been any / **Other** – please specify]

Some has been of high quality and has received well-deserved awards from the local conservation body the City of Durham Trust. This includes bold, modernist work by world-class architects on behalf of

Durham University. But most has been standardised anywhere design, not offensive but neither beautiful nor fitting to a World Heritage Site city. Finally, some has been illiterate and ugly, and approved on the unstated premise of stop fussing or we won't come to the North East.

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

[**Less reliance on cars** / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

A huge question; given Durham city's mediaeval core street pattern our priority would be less reliance on cars. That is a matter that our Neighbourhood Plan was excluded from addressing so we have instead chosen to set out sustainability policies which the Independent Examiner has approved with amendments. Concurrently, the County Durham Plan Examination Inspector has rightly struck out its proposals for increased provision for car-based travel here.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

This is by far the most enlightened and positive proposal in the White Paper. The Parish Council had already formally resolved to have a design guide produced as a follow-on from the Neighbourhood Plan, and had welcomed the report of the Building Better, Building Beautiful Commission. Virtually every sentence of that Report should be celebrated for laying out principles for creating a stimulating built and green environment, essential for well-being and hope for the future. Proposal 11 is fully supported.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

Our experiences of local government confirm that having top-level champion for a topic ensures attention and delivery.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

The text supporting Proposal 13 admirably makes the right statement.

20. Do you agree with our proposals for implementing a fast-track for beauty?
[**Yes / No** / Not sure. Please provide supporting statement.]

Yes and No. Yes to the first of three proposals, that is updating the National Planning Policy Framework to make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval. Yes to much of the second proposal, that is requiring that a masterplan and site-specific code are agreed; but we repeat that we do not favour a system of permissions in principles through designated growth zones in plans. No to the third proposal, that is widening the nature of permitted development so as to allow the pre-approval of popular and replicable designs; we recognise that existing classes of permitted development would be all the better if good design is made a requirement, but we would not support widening the classes of permitted development so as to include development that should be carefully considered through the planning application system but is excused this scrutiny if the design is good.

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

[**More affordable housing** / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / **Green space** / Don't know / **Other - please specify - housing for the elderly**]

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / **Not sure**. Please provide supporting statement.]

On the face of the proposal it seems attractive but In County Durham there is no Community Infrastructure Levy scheme because the County Council judged that it would be a deterrent to inward investment. The County Council instead makes use of the Section 106 facility selectively and we see the merit in their approach. Should a new consolidated infrastructure levy be introduced, it is essential that this also be introduced in areas which do not have the current Community Infrastructure Levy in place, so as not to remove the Section 106 facility without a suitable replacement. Furthermore, it is essential that the current provisions that town and parish councils continue to receive a proportion of this funding and that this funding is increased where areas have a neighbourhood plan in place

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / **Locally**]

Our feeling is that an Infrastructure Levy scheme should be set locally so as to be sensitive to the weaknesses of the development market in some areas.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / **More value** / Less value / Not sure.]

Please provide supporting statement.]

There is much to be said for capturing more value given that it is the community's decision made through its elected Local Planning Authority that creates the dramatically increased value of land if planning permission is granted.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[Yes / No / Not sure. Please provide supporting statement.]

Delivering the associated necessary infrastructure is essential, so being able to borrow the finance required 'up front' is a good idea.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [**Yes** / No / Not sure. Please provide supporting statement.]

This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

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

[Yes / No / **Not sure.** Please provide supporting statement.]

No comment.

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

[Yes / No / **Not sure.** Please provide supporting statement.]

No comment.

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 / No / **Not sure.** Please provide supporting statement.]

No comment.

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

[**Yes** / No / Not sure. Please provide supporting statement.]

Simply because this is in the spirit of localism. We are pleased that the Community Share is to be retained , namely that up to 25 per cent of the Levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [**Yes** / No / Not sure. Please provide supporting statement.]

Affordable housing is a key priority here in Durham City.

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 City of Durham Parish Council is concerned that the proposals to significantly increase the delivery of the planning service through online and electronic means has the potential to discriminate against those groups that are unable to access information in this way. This could include elderly residents and those with disabilities.