

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London
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Dear Sir / Madam

Planning for the Future consultation response

Introduction

DAC Planning is a highly professional planning consultancy specialising in working with public sector clients and local communities. DAC Planning upholds a public service ethos and strives to create high-quality and aspirational plans which support the delivery of sustainable development, enhancing existing environments and creating safe, interesting, enjoyable, and beautiful places in which to live and work. DAC Planning has extensive experience of working closely with and for a range of local authorities nationally on Local Plan production and implementation. Since 2019 we have been providing support and advice to local authorities on behalf of the Planning Advisory Service. We also support the production of Neighbourhood Plans.

DAC Planning is specialised in planning policy matters and as such, we are focusing our response on matters of most relevance to our specialisms, knowledge and experience.

In general terms, we welcome the proposals in the White Paper to streamline and modernise the planning system. However, we wish to highlight several areas of concern in regards to the potential application of the proposals, based on our professional experience and our fairly unique perspective as consultants working exclusively to support local planning authorities and local communities across the country in plan production. To ensure that the proposed reforms can be successfully implemented whilst managing potential disruption to the planning and development sector, we strongly encourage the Government to ensure that detailed proposals are extensively piloted over the coming months to test the effectiveness and desirability of their application in practice. We trust that our comments and observations are received constructively, and we would be happy to provide any further clarification or elaborate further on any aspects of this response as required.

Response to Planning for the Future consultation

The following provides our response in relation to key relevant aspects of the consultation document:

Plan-making and consultation

In our work supporting local authorities, we see them striving individually to overcome similar challenges, including how to interpret aspects of national planning policy and guidance, whilst responding to changes in case law. We therefore welcome proposals to standardise planning processes and outputs. We welcome the intention to streamline and simplify the Local Plan making process, but are concerned with how the proposals would work in detail and the potential implications for community engagement opportunities. From our reading of the proposals, it would appear that the first opportunity for public consultation on the full draft plan would occur when it is submitted for examination, leaving limited opportunities for the public to have their say on the detailed proposals. By the time the plan has been submitted for examination, it will be too late for the local authority to make any significant material changes to the content of the Plan. Additionally, the threat of sanctions and statutory time limits are unlikely to encourage local authorities to undertake extensive public engagement and participation during the early stages of plan production, because they will be striving to ensure that statutory timescales are met.

Local Plans are also reliant on inputs from statutory consultees and other stakeholders who are often working under strained resource capacities. It is unclear how a Council will meet the 30 month plan-making timetable when they are reliant on statutory consultees (as well as other delivery partners such as infrastructure providers and potentially site promoters) to also complete crucial work to input into plan making. This risks potentially overwhelming statutory consultees who already often struggle to respond to requests from the local authority in a timely manner. There is a risk that the Local Plan could be submitted for examination without any detailed input or agreement from key statutory consultees. The lack of support from key statutory consultees at the examination stage could create significant difficulties for the appointed planning inspector who will be reluctant or possibly unable to conclude that a Local Plan could be adopted without the necessary comfort that the statutory consultees are satisfied that necessary legislative and regulatory requirements will be met. At the very least this could result in an elongated examination process.

To ensure that the Local Plan effectively meets its statutory timetable, statutory consultees will need support from the Government. Sanctions for these bodies to be compelled to meet the timetable may need to be considered alongside further commitments to ensure that they can be adequately resourced to meet the demands.

We encourage further guidance on how and when local design codes and guides would be produced alongside the Local Plan to ensure the two complement each other and that local authority resources can be adequately distributed. The proposed timescale does not allow transition time for officer training as a result of the proposed changes and time to increase community awareness of the proposed Local Plan and its consultation stages.

Strategic planning

28 October 2020

As proposed the reforms would leave a strategic planning vacuum in many areas, particularly areas of the country not covered by City Regions or other sub-regional structures. County Councils are unlikely to have the capacity or in-house expertise to coordinate the distribution of strategic housing and infrastructure provision on behalf of District and Borough Councils.

As a result, it is unclear how authorities with high housing needs and significant constraints will meet their housing needs. There are substantial sub-regions, particularly within southern England, that cannot currently collectively meet housing needs under the existing Duty to Cooperate arrangements. The proposed reforms will need to consider how the needs of one sub-region may be reallocated elsewhere in the country, and whether or not such an approach could be appropriate or effective. Any negotiation or mediation around the distribution of housing and infrastructure needs will inevitably take time and require evidence collation. For areas without any formalised or recognised regional or sub-regional structures in place, it will inevitably be challenging to reach a consensus on how needs should be distributed and met.

The obvious solution would be to ensure that a regional or national plan is produced to provide an overarching framework for the coordination of housing and infrastructure to meet national needs and targets. However, in the absence of regional planning this could be difficult and the only realistic option would appear to be either maintaining a system similar to the duty to cooperate to compel local authorities to work together, or to introduce a system whereby binding housing requirements are considered and defined at a national level. The detailed proposals that follow must be carefully considered and piloted to ensure that housing requirements for individual local authority areas will be realistic and achievable, and to ensure that the matter of establishing housing requirements does not fall back to individual local plan examinations to determine.

Neighbourhood Planning

We support the retention of neighbourhood planning within a reformed planning system, and feel strongly that Neighbourhood Plans can provide an effective tool to enable local communities to establish a more detailed level of planning policy guidance for local areas. Neighbourhood Plans give local communities a voice to shape the future of their local area. However, there is an opportunity to refine aspects of the Neighbourhood Plan system and to provide clearer guidance on how Neighbourhood Plans should work effectively alongside Local Plans. We suggest that this area is worthy of further detailed consideration, and we would be pleased to provide detailed suggestions in due course as to how neighbourhood planning could be refined to become a more effective tool for both local communities and local planning authorities alongside the progression of new style Local Plans.

Design and Delivering design quality

We are concerned that the resource requirements associated with producing design codes and guides, together with Local Plans, will strain existing local authority resources beyond their limits, whilst also accentuating a lack of specialist skills and training in the sector more generally. Many local authorities are already reliant on the private sector to support the production of design guidance and masterplan documents, and it seems inevitable that this may need to continue. However, local planning authorities and their elected Members must still remain in control of

document production, particularly given the reduced role proposed for the democratic involvement of elected members at the Development Management stage.

Additionally, there will arguably still be significant resource requirements associated with zoning and providing appropriate parameters for future development sites. Local authorities should be provided with sufficient resources to ensure these proposals can be adequately delivered. However, this will be challenging to achieve given the ongoing skills shortages within the sector (both public and private sectors) and it will be vitally important to find innovative ways to encourage qualified and high calibre candidates into the planning sector, or to encourage those who may have left to consider returning. Measures to promote the upskilling of qualified town planners would be beneficial.

Fast-track for beauty

In our experience, many local planning authorities already utilise design codes and masterplans produced alongside the Local Plan process to guide development proposals. However, these design codes and masterplans tend to be provided as 'guidance' as opposed to policy, and there is an acceptance that the detailed nature of schemes will evolve and adapt as further detailed work is undertaken and completed to inform the submission of planning applications. Under the proposals, it is unclear how much flexibility, if any, there may be for schemes to adopt different and potentially preferable design or layout outcomes from the 'policy' development parameters that will be established at the Local Plan stage. This runs the risk of schemes potentially being technically considered as contrary to the development plan, even though they may actually be proposing a superior or more cost effective approach based on further detailed work completed after the adoption of the Local Plan. We suggest that this requires careful consideration as any detailed reforms are developed further.

S106 and Community Infrastructure Levy

In principle, DAC Planning supports the replacement of S106 and the Community Infrastructure Levy with one simplified Infrastructure Levy, but cautions the possibility of lost revenue for infrastructure projects. Should a single national rate be applied, it would not be possible to take into account significant variations which exist in development values regionally and locally. We support a locally set rate which takes into consideration local differences and enables revenues to be maximised. We encourage the Government to consider enforcing local authorities to produce an Infrastructure Levy within statutory timescales.

Further, we recommend setting a transparent Infrastructure Levy process which would introduce greater certainty for the development industry in relation to their obligations and would ensure that time-consuming, complex negotiations over site specific matters could be avoided. This could help to facilitate more timely delivery, as well as reducing resource burdens for local authorities.

Summary

We hope you find our response to this consultation helpful and constructive as more detailed proposed reforms are considered. Please do not hesitate to contact us if you would like to discuss any aspect of this submission in further detail.



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Yours faithfully,

David Coleman

A handwritten signature in black ink, appearing to read 'David Coleman', written in a cursive style.

Director
DAC Planning