



IRBY THURSTASTON & PENSBY AMENITY SOCIETY

Founded 1974

Registered Charity No: 1150756

www.itpas.org

A Response to the 'Planning for the Future' White Paper Consultation and the HOC Debate 08/10/20 – 'Planning and House Building'

- *This Note may form part of the Consultation Response of individuals but is produced on behalf of WGSA¹. Please, read in conjunction with the ITPAS Notice (ref: 'ITPAS & WGSA Notice for Consultation on Planning Changes JNHv2.pdf') as those comments apply equally to this Consultation and Debate.*
 - **Overview and Summary**
 - The 'White Paper' (WP) has 4 main Objectives:
 - > *Streamline and modernise the Planning Process;*
 - > *Improve outcomes on design and sustainability;*
 - > *Reform developer contributions (and delivery); and*
 - > *Ensure more land is available for development when and where needed.*
 - Whilst the Government's intentions and much of the rhetoric around these objectives are laudable, the delivery mechanisms would - in the absence of considerable modification – fail on all counts:
 - > *The Planning Process would be more complex and less democratic, and produce unintended consequences and bad outcomes;*
 - > *Proposals take an ill-informed stance on what constitutes 'good design' and 'sustainability', which would produce time-locked pastiche and both environmental and ecological damage;*
 - > *Measures to reform developer contributions (and delivery) are welcome but there is no detail; and*
 - > *The algorithm (formula) which underpins these Proposals is heavily flawed and would deliver increased (not lower) targets and greenfield release in areas of current 'higher housing pressure' whilst reducing investment and the extent of overdue new and improved housing in areas not of 'higher housing pressure' such as the 'Northern Powerhouse' towns and cities. Some LAs (like Wirral) would be caught both ways.*
 - To the dismay of Government Consultants, most MPs and informed members of the public, the 'White Paper' misdiagnoses problems with the Planning Process and the cause of and solutions to the housing crisis.
AND, the algorithm would undoubtedly build up planning permissions; but it would not build houses.
 - Realising the folly of these Proposals, the Housing Minister (Christopher Pincher MP) heralds changes and now says that, "we will consider such factors as **[housing] stock renewal**, so we level-up those areas of our Country." This is, indeed, essential but the WP and its algorithm fail to include for this either directly or through 'exceptional circumstances' allowances, the latter safeguard of which is regrettably set to be abolished.
-
- **Further Commentary:**
 - We welcome the Government's levelling-up agenda, the call for appropriate housing development in terms of the right numbers and types in the right places, and high quality, sustainable design; also, a commitment to protect and restore the natural environment and bio-diversity. However, the mechanisms for delivery of such laudable aims, notably the algorithm (formula) for the revised 'standard method' of calculating 'Housing Need' and the clumsy 'Affordability' element, are heavily flawed, and would fail to deliver appropriate 'Housing Need' for the vast majority of local authorities: instead, they would deliver the opposite outcomes to those intended.
 - 'Opposite outcomes' would include penalising LAs with proven past delivery (and thus reduced available land); increasing not reducing targets in areas of "higher housing pressure" whilst reducing them for underperforming LAs and those, particularly 'Northern Powerhouse' and other LAs (like Wirral) where the emphasis should be on 'Regeneration' with a high element of 'Replacement' and 'Upgrading' of extensive 'substandard' housing; and where substantial, continuing investment by 'Homes England' and other bodies should be directed at a high level to help improve the early and timely 'deliverability' of both Housing and Infrastructure (Schools, Health Facilities, Green Spaces, Clean Energy, Drainage, Sustainable Transport, and more).
 - If levelling-up means anything, it surely implies an integrated plan for infrastructure, jobs and housing to revive overlooked northern and midland areas (including Wirral) and to stop the endless drift of jobs, opportunities and investment to the south. **Sadly, the White Paper proposals would not deliver any of this.**

¹ **WGSA** - Wirral Green Space Alliance, a collaboration of over 25 local community, environmental, wildlife, heritage and conservation Groups with a common aim of helping deliver a Plan for Wirral addressing actual Needs, enhancing natural assets and helping communities flourish.

- Governments do have the right to follow manifesto pledges but they should be willing and able to justify them. The national target of 300,000 **additional** homes per annum, which underpins these Proposals and produces such excessive, distorted results, is unexplained and inexplicable. It may have made some sense before Inward Migration collapsed, the Economy contracted, Brexit happened and Covid-19 shattered medium term prospects. Even if it could be explained at the National Level (as an aspiration, making up for past under-delivery and getting ahead), it fails miserably to fit at the Local Level, where local NEED cannot be addressed by a one-size-fits-all algorithm that is insensitive to different areas' particular requirements.
- The huge **additional** housing stock target, manipulated and apportioned down to LAs by the ONS², cannot work for places (like Wirral) where the primary need is one of Replacement and Upgrading of high numbers of 'substandard' homes (plus jobs and infrastructure). Councils would be set up to fail in terms of delivery, over-burdened by having to deliver improved homes **in addition** to vastly expanding existing Housing Stock far in excess of necessity from population growth and suppressed demand. Outcomes would be target failure and retention of poor-quality housing, with Green Belt development bolstering more difficult 'brownfield' projects.
- To suggest higher targets are justified because **adopted** Local Plans provide only 187,000 homes pa is disingenuous and misleading, when adding in the current delivery of councils without **adopted** Plans takes recent overall delivery to around 250,000 pa., right on the Manifesto target (before Covid-19 struck) of over one million new homes during this Parliament. The System IS working but does need some improvement.
- There is growing consensus between Government Consultants, MPs, informed organisations and the public that problems with the Planning Process and the cause of and solutions to the Housing Crisis have been misdiagnosed and left unaddressed. And, that the algorithm makes matters worse. Real problems include:
 - > *Land-banking by Landowners and Developers, and lack of contributions/penalties for not building-out;*
 - > *Over one million new homes with planning permission not yet built-out - and no measures to change this;*
 - > *Vast numbers of 'Empty Homes' not brought back into use or held unoccupied by (often foreign) investors;*
 - > *Replacement and Upgrading of 'Substandard' housing are NOT within the calculation of 'Housing Need';*
 On top of which we have:
 - > *An unjustified, exaggerated national Housing Target, distorted and inappropriately apportioned to LAs;*
 - > *A flawed 'standard method' of calculating 'Housing Need', which is proposed to be made much worse;*
 - > *Mandated use of distorted and out-of-date Official Data – still applies to ongoing Local Plans (like Wirral's).*
- The 10 largest developers control 70% of new housing supply, obtain Permissions and hold back development ('land-banking') to inflate value and balance sheets. The extent is very large, and rising. Then pressure is applied to release further land to meet Targets, including protected Green Belt. Councils who face penalties for not achieving Targets can feel forced to accept developer arguments that more can be delivered quicker on greenfield sites. This abuse must be stopped. **'Use it or Lose it'** (permanently) should apply to Permissions.
- Permissions should be time-limited and transferrable (to smaller builders and large sites split up). Increased tax/charges should apply to land with Planning Consent. Developer Contributions (Community Infrastructure Levy, etc.) should - as suggested by the Proposals but not the delivery methods - be higher and consistently applied at a standard national rate, modified only for justified local factors by recognised percentages. This could see developers pressured to build more (better,) and quicker to obtain their desired level of profit. Maintaining a 'Housing Delivery Test' without measures to remove restrictive practice makes little sense.
- Other possible measures:
 - > *Make it a legal requirement to exhaust brownfield sites before greenfield development is allowed;*
 - > *Add VAT (and/or other charges) to greenfield developments and provide incentives for brownfield;*
 - > *Make owners and developers pay Council Tax on undeveloped plots; and*
 - > *Tighten rules on foreign buyers who leave property empty; and ban offshore shell purchases.*
- England has 250,000 long-term 'Empty Homes' suitable for reuse. Councils need ambitious programmes to return them to use despite ownership issues. **Wirral** has had one of the best consistent records for 10 years, with 250+ houses pa returned to use and thousands more available; yet it plans to include less than half that rate in its LP, fearing the Inspector will rule the category out entirely. The new Planning System should direct Inspectors to look positively on such valuable regeneration and tidying up of 'community grot-spots'.

Before turning to Green Belt, we must exhaust Extant Permissions, Brownfield/PDL Sites, Empty Homes and Upgrading Substandard Homes. 'Weakly-performing' Green Belt is undefined in Law or Guidance. The term is almost never appropriate and Green Belt should not be included in any 'Stock of Reserve Sites'.

² ONS – Office of National Statistics has downgraded significant Data apportioned to LAs and suggests greater use of official Local Data.

- ***Affordability, Homelessness, ‘First Homes’, etc., are real issues but White Paper does not solve them.***
- The WP algorithm involves a heavy and clumsy ‘affordability’ element and is predicated on the now-discredited belief that endlessly creating more homes will bring prices down. To improve the supply of truly ‘Affordable Homes’ (AH) and ‘First Homes’ is a laudable objective but several studies have shown that increasing house-building has not achieved this - but why? What is distorting the ‘supply-and-demand’ norm? Consider:
 - > *Developers won’t keep building to lower prices as that would be counter-productive for their profits;*
 - > *The most profitable housing is larger new-builds in leafy settings. By holding back on more difficult, less profitable sites (brownfield), they know councils will give in under the mandatory pressure to deliver;*
 - > *Mandated ‘Housing Need’ is supposed to deliver ‘affordable housing’ but developers play the ‘viability card’ and get greenfield approvals and reduced contributions (‘commuted sums’). So, why wouldn’t they?*
 - > *In some areas (including Wirral) ‘Registered Providers’ (housing associations) have held back development in the vacuum of no Local Plan or clear council leadership and intentions;*
 - > *‘Section 106 agreements’ between LAs and developers (at the planning stage, intended to ensure delivery of a certain percentage of AH) are frequently not enforced. Whilst often a lengthy and costly legal safeguard, the proposal to abolish ‘106 agreements’ demands a better alternative.*
- The WP algorithm or Planning Policy (or both) needs to enable delivery of the appropriate number of AHs for each LA by taking into account local factors and not by use of over-simplistic, nationally-set rules. The current and proposed basis of relating to ‘work-based median house prices’, which appears to assume that residents all live and work in the same place, is unreliable for many LAs such as Wirral, where almost 40% of working people commute off the Peninsula as employment opportunities and wages there are generally poor.
- Whilst new AH starts were growing well before Covid-19 hit construction (57,485 in 18/19, against avg 50,000 pa since 2010, 40,000pa in previous 15 years, and the 1996 peak of 74,000), clearly more needs to be done including addressing the continuous, dramatic decline since 1996 of ‘social renting’ (where rents are linked to local incomes). If not to be addressed by councils building houses, the regime of subsidies needs improving.
- The affordability problem is highest in and around cities; so instead of ‘sprawl’ into Green Belt (where the beauty has both moral and economic value) we should have an urban-focussed approach, through ‘green regeneration’, building such houses alongside others close to employment centres with existing infrastructure and services “improved first”³, sustainably getting the productivity and vitality of our great cities going again.
- ‘First Homes’ should be subsidised, relatively small (of good standard) but designed as extendable without loss of ‘character’ to allow growing families to remain part of their community, if desired. This requires a rolling programme of building ‘First Homes’ to ensure fresh supply. Mostly, this should not involve adding floors.
‘First Homes’ are crucial, but so are last homes which free up larger properties - downsizing.
- The White Paper rightly emphasises a need for more ‘**Community Involvement**’ with residents having their say from the outset as to what comprises ‘Growth’, ‘Renewal’ and ‘Protected’ zones. However, the period for public involvement is unrealistically short. In addition, the proposal to limit ‘Community Involvement’ to that single stage, with developments of all sizes, locations and types being ***approved in principle*** without further public involvement (provided they comply with basic standards) would represent an unacceptable erosion of local democracy and would increase risk. The public must retain the ability to examine and influence detailed applications. Worse, proposed changes would see the burden of survey proof reduced (for ground conditions, ecology and heritage, etc.) which could have disastrous ramifications for both the area and Applicants.
- We agree, “Environmental aspects of a Plan [or project] need to be considered early in the process” but we do not accept this should lead to reduced site-specific surveys. If principles of development are to be established globally and early, more, not fewer, environmental studies at site-level need to be done earlier. Otherwise, discovering critical ecology, environmental harm or heritage assets at a later stage will mean their loss.
- From our experience on Wirral, the proposed 30-month limit to production of a Local Plan or Plan Review is too short. A minimum of 36 months would be more reasonable.
- The proposed means of increasing ‘**Community Involvement**’ and access to information is largely by digital systems online. It is right to use the best modern tools but using this single approach would deny access to sections of the public without the capacity, time or preference for ‘virtual’ engagement (compared to traditional face-to-face group and individual meetings and hard-copy publications). Feedback on Wirral’s Local Plan process to date is a clear preference for non-virtual engagement and dissatisfaction with a cumbersome (not very) interactive map, massive and user-unfriendly consultation documentation and Response processes.

³ 2019 Manifesto Commitment: – “Infrastructure First” ensuring developments improve quality of life, and are ‘green’ and sustainable.

- Extending ‘**Approval in Principle**’ to the degree proposed is not supported, nor justified – detail must be open to scrutiny, especially for larger schemes. To leap from a limit of 10 houses (2 ha) straight to sites of up to 150 houses (5 ha) could have disastrous consequences and cause unrest. Any such change should be iterative with stage reviews. A first step might be to 25 houses (3 Ha), with further increases outcome-dependent.
- **Beauty and Good Design.**
- There is general dissatisfaction with ‘could-be-anywhere’ developments, lacking local character and variety, emerging across the Country. In reaction, some call for “beauty” but beauty is almost always subjective and not absolute. What is considered beautiful changes over time and differs by location. To state that ‘beauty’ is the aim, is to disclose that one does NOT really understand what ‘good design’ is, let alone have any idea how or sufficient expertise to deliver it. Repetition or copying produces pastiche, monotony and staleness, often an assembly of liked but disparate parts. Even the best tools in the hands of the unskilled produce poor results.
- Good Design principles are timeless and can be taught. Sadly, the product of many of our Design Schools is not good enough and developers tend to follow the certainty of their standard designs, not for their aptness to location but the consistency of financial returns. This is not good enough. Suggesting ‘Pattern Books’ harks back to a supposed ‘golden age’ (equating to princes raised in a palace calling for palace design for all, when it is the underlying design principles behind their form and appearance that are subconsciously appreciated.
- Pattern Books may have some value if the best of the ‘National Design Guide’ and architectural expertise is blended with local input and acceptance, embodied in Local Plans and reviewed each time they are in order to stay relevant and acceptable. However, pattern books, standards and guides must not preclude innovation or ‘feature developments’ where the situation calls for or suits something different or special.
- What are the photographs in the White Paper Consultation Document suppose to represent? There are no captions to give any clues. Surely, they are not all examples of ‘good design’ or what we can expect as some show classic design errors including street scenes with ‘zipper effects’ of modules repeated with no overall form or reason to stop but the site boundary has been reached. We must and can do better.⁴
- The diktat which says that, “all new streets [are to be] tree-lined” is not showing decisive leadership or an insight of what is essential but is merely the seeking (but failing) to earn ‘green credentials’; instead, it displays laziness or a lack of understanding of what makes or constitutes (the now popular term) ‘place’ and/or how to identify and deliver what is appropriate to each different location and project, and suits the local character.
- We certainly agree, it is vital to “identify important views” and walking routes (not just across London) and “opportunities to improve public access or places where renewable energy or woodland and forestry creation could be [appropriately and sustainably] accommodated”. And so, these need to be identified in consulted studies and become legally binding at the start of the Local Plan process with maximum public involvement – the complete opposite approach to that taken with the Wirral Local Plan, where officially recognised and locally valued walks and views were ignored by subsequent consultant reports and outline plans.
- **Final Few Bits:**
- We agree that councils should have an increased focus on ‘enforcement’ but not at the cost of diminished involvement in the scrutiny of applications. They need proper resourcing, training and management support.
- The ‘Duty to Cooperate’ between neighbouring LAs should not be removed.
- We agree that ‘Net Gain’ must be delivered with all developments, not just ‘no net harm’.
- We support the introduction of ‘Development Corporations’ in areas needing extensive co-ordination of major regeneration or development and a broad range of skills brought and sustained together, such as on Wirral.
- **In Conclusion:**
- The White Paper displays several good intentions and much of the rhetoric around objectives is laudable; however, it misdiagnoses and misses many of the real problems with the current Planning System. On the whole, its solutions and delivery mechanisms, most notably the fundamentally flawed algorithm for assessing ‘Housing Need’, are lamentable and amount to a missed opportunity. There is nevertheless hope in the fact that criticism has come loudly and clearly from across the political divide, from experts including the Government’s own Consultants and Advisers, relevant Professions and even some Developers, community, environmental, wildlife, heritage and conservation Groups across the Country – and there are tentative signs that Ministers are listening and open to change, but “it must not be a case of a few minor concessions”.

⁴ See writings on Design (including): – ‘Proportions of the Eye’ on the significance of form by J.N. Heath.