

CAPEL PARISH COUNCIL

BEARE GREEN, CAPEL AND COLDHARBOUR

Mrs Janet Russell
Clerk to the Council

Capel Parish Office
55a The Street
Capel
Surrey RH5 5LD

Email: clerk@capelparishcouncil.org.uk
Tel: 01306 712447

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By email: planningforthefuture@communities.gov.uk

**Planning for the Future Consultation,
Planning Directorate, 3rd Floor, Fry Building,
2 Marsham Street, London SW1P 4DF**

Dear Sirs

Government White Paper - Planning for the Future Consultation Response

As with the government white paper, Capel Parish Council (CPC) is providing an introduction which includes our background and the clarification of principles which are fundamental to all our responses.

INTRODUCTION

CPC is the largest elected parish within the district of Mole Valley, Surrey; both by population and area and consists of three wards - Beare Green, Capel and Coldharbour. CPC is the representative organisation for all these wards on many matters including planning, representing a population of approximately 3,850 people in 1,648 households.

The county of Surrey can be split into two distinct regions, the area to the north, primarily within the M25, deemed to be more urban in nature and the southern section, which is primarily parished, and is very rural in nature containing a large proportion of Green Belt land, the Surrey Hills Area of Outstanding Natural Beauty, numerous Conservation Areas, Listed Buildings, ancient historic sites and Sites of Special Scientific Interest.

CPC takes its planning responsibilities very seriously and ensures a pro-active approach in this respect. It does not seek to prevent development but endeavours to ensure that the parish develops in a sustainable manner and meets the needs of its resident population. This is demonstrated by the creation and subsequent adoption in December 2017 of the Capel Neighbourhood Development Plan extant until December 2026.

CPC agrees that the planning system needs reform and welcomes sensible change by central government, however, CPC is not convinced that major change is needed. CPC believes that planning is a technical set of skills and should be controlled by experienced planners along with the benefit of local knowledge.

CPC believes there should be an inherent reference to sustainability being an overarching requirement. This includes the adoption of design codes and the need for such codes to be the subject of public consultation in line with the approved development plan.

Although possibly beyond the scope of this white paper, CPC believes there should be an ability to overturn a granted planning permission if it can be demonstrated that incorrect information was used in the application. A process similar to an appeal but only for use where there is evidence of a decision being based on incorrect information. This is different from a judicial review which is based in incorrect process.

CPC also believes that the rules need to be tightened to prevent the practice known as Land Banking. The phased release of housing is crucial to the implementation of housing development having regard to a local plan and the need to meet provision throughout the plan period. The imposition of phasing is generally secured through planning agreements linked to a Master Plan.

A Master Plan will link to infrastructure based on the needs of an emerging community. The implication that developers lock up their land interest must be removed so that it is in their interests to ensure land values are re-invested in new developments.

It is common for developers to work in partnership, often with land exchanges to provide choice in the market place for purchasers and for those seeking to benefit from the distribution of affordable housing but once planning permission is granted it is beneficial to ensure it is developed within an appropriate timescale.

The phased release of housing through planning agreements must relate to sustainable objectives including the provision of schools, open spaces and employment opportunities.

The Government has an opportunity in this White Paper to take action to reduce the amount of land being held unbuilt by mainly larger house builders by encouraging these companies to build the houses they have permission for more speedily unless part of an agreed phased development.

Reading through the White Paper there are some key messages that come across in that; whilst the Government is seeking to reform and make the system more efficient and responsive in a sustainable manner, it is also seeking to encourage more involvement within the planning process from those that it affects. CPC is a statutory body which pro-actively encourages involvement and promotes positive and sustainable planning. Accordingly, it believes that its views within this consultation process are of great value and valid in terms of the Governments objectives.

RESPONSE TO QUESTIONS

Below is CPC's response to the questions as set out in the consultation document.

For clarification of our response style, where a multiple-choice option has been requested we have struck through the options which are not relevant for CPC and provided supporting statements for each of the options where deemed necessary.

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

Pillar One – Planning for development - Overview

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

1.1 Urban-centric; Disconnected; Random

2(a). *Do you get involved with planning decisions in your local area?*

2.1 Yes. CPC is very pro-active in responding to planning applications and is involved in providing continuous feedback into the Development Plan. The Capel NDP was approved in Dec 17 and is extant until Dec. 26

2(b). If no, why not?

2.2 Not Applicable

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]

3.1 All of the above but given the rise in social media this is also an area for new focus.

3.2 Furthermore, CPC would also like to see planning studies being introduced into the education curriculum to encourage more involvement from future generations.

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]

4.1 CPC believes that all the above are important as they are interrelated. However, if it were to prioritise then these are the three priorities –

- Protection of green spaces
- Supporting the local economy
- Building homes for young people

Pillar One – Planning for development – A New Approach to Plan Making

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

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

5.1 Whilst local plans could be simplified, CPC would favour the alternative approach which would be to limit automatic permission in principle to land identified for substantial development in Local Plans (Growth areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

5.2 Despite the good intentions, CPC is concerned that the changes mentioned could be detrimental to our area.

Pillar One – Planning for development - Overview

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.]

6.1 This needs to be on the proviso that there is flexibility within the system to adapt policies to take account of local circumstances. CPC believes that planning is a skilled profession and requires substantial investment in expertise, monitoring and management.

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.]~~

7.1 There is insufficient information contained within the White Paper to answer this question categorically.

7.2 A major concern raised by CPC is the removal of the formal ‘Duty to Cooperate’.

7.3 This formal duty must be retained to ensure that Local Planning Authorities properly address strategic cross boundary issues such as major infrastructure or strategic sites.

7.4 These issues are not ‘neatly’ contained within defined local authority boundaries and ‘ripple’ across boundaries raising significant strategic challenges.

7.5 Without a formal duty to cooperate CPC fails to see how issues these can be properly planned for.

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

7.6 Without a formal and legally imposed Duty to Cooperate, we do not see how strategic cross-boundary issues can be properly planned and enforced.

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.]~~

8.1 CPC endorses the commitment to provide housing across all tenures, however it has concerns that this standardised numbers driven approach will undermine effective strategic planning across the country and exacerbate the current imbalance in the housing provision across the country.

8.2 From the evidence it has seen to date it still appears to create higher numbers across the south of England, which will be undeliverable within many authorities without having a negative impact upon infrastructure, the environment and social cohesion.

8.3 This will be made worse by the removal of a formal Duty to Cooperate. There is a need for an effective level of strategic planning across the country as a whole and to direct growth to those regions of the country which would benefit from renewal and regeneration.

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.]~~

8.4 Within themselves and alone no, there are various factors which need to be considered when assessing the level of development to be accommodated.

8.5 The important questions are also what can be accommodated in a balanced way, which does not have a negative impact.

8.6 The argument that those areas where there is a chronic undersupply should take a greater share of future development is also wrong and unbalanced and would go against the objectives of ‘sustainable development’.

8.7 This could result in a 'numbers game' to the detriment of the environment, quality of accommodation and the design objectives being promoted within the White Paper.

8.8 As pointed out many areas where there is high demand and affordability issues also face practical, but important, constraints, the presence of designated areas of environmental and heritage value, the Green Belt and flood risk.

8.9 These factors could get lost in the aim to hit targets.

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.]

9.1 It is not considered that automatic outline consent should be granted, but the allocation under national policy could confer a presumption in favour of development.

9.2 Further clarification on the development of these areas would then be through development briefs/masterplans and design codes developed in parallel with the local plan protecting the Green Belt, environment, economy and homes.

9.3 A critical step to control unnecessary and unwanted developments would be lacking particularly in Green Belt areas.

9.4 There would be no consideration for the views of local residents.

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.]

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.]

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

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

10.1 CPC agrees that the proposals should help to speed up the planning process in terms of determining applications, however, this will require a substantial investment and up-skilling which should not all be 'on the shoulders' of the local planning authority.

10.2 It will also require substantial investment from Central Government. Otherwise, it will fail and hinder the process.

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

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

Pillar One – Planning for development – A Streamlined, More Engaging Plan Making Process

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.]

12.1 CPC does agree that there should be a tighter timeframe to produce local plans as they will then be more relevant and up to date with societal, environmental and market changes

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

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

13.1 Neighbourhood plans are key to addressing local planning issues and encouraging involvement within the planning process from the local community.

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?

13.2 Neighbourhood plans should be a key part of the planning process and more funding should be invested so that they are developed alongside the Local Plan which provides the strategic overview.

13.3 CPC has concerns that Surrey County Council as the strategic planning authority proposes that authorities in Surrey become a Unitary Authority

Pillar One – Planning for development – Speeding up the Delivery of Development

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.]

14.1 There are several factors which delay the build out of schemes, for instance the ability of the market to absorb a limited range of products (i.e. 1/2/3 bed houses flats etc) within a given period. Infrastructure capacity, limitations within the construction sectors (e.g. labour force/skills etc).

14.2 Accordingly, the planning system should be requiring more diversity of home types and tenures in line with demand.

14.3 There needs to be improved coordination between utilities, highways authorities and other agencies which could help bring forward the start of build out. There needs to be investment within the construction sector i.e. apprenticeships, education, improving supply chains, the breaking up of sites into smaller packages to allow more SME builders who are often local and incentives and penalties to deter land banking.

Pillar Two – Planning for beautiful and sustainable places - Overview

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]

15.1 The design of schemes within the District varies, some are good, but others are poor and do not take into consideration well enough the architectural character of the locality.

15.3 There is considerable room for improvement.

15.4 Small developments tend to be better whereas larger developments far inferior.

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]

16.1 CPC's view is that all the above factors are of equal importance in promoting sustainable design.

Pillar Two – Planning for beautiful and sustainable places – Creating Frameworks for Quality

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.]

17.1 Design codes are a useful tool, but CPC strongly agrees that they need to be prepared with effective inputs from the local community.

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.]

18.1 Design has profound impact upon peoples' lives and the environment, so should be a key aspect of planning.

18.2 Accordingly, CPC supports the creation of a new body to improve design and the appointment of a chief officer for design and place making.

18.3 In addition to this there is a need for a robust monitoring system to ensure that schemes are properly implemented.

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.]

Pillar Two – Planning for beautiful and sustainable places – A Fast Track for Beauty

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

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

20.1 CPC does not agree with this approach, as stated before design is a key factor in terms of impact upon peoples' lives and should not be fast tracked.

Pillar Two – Planning for beautiful and sustainable places – Effective Stewardship and Enhancement of our Natural and Historic Environment

20.2 CPC agrees with the objectives set out under this section i.e. mitigating the impact of climate change, protecting both the natural and historic environment.

20.3 However, there is insufficient detail to comment on how these objectives will be achieved.

20.4 Reference is made to a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, but no details, which causes considerable concern.

Pillar Three – Planning for infrastructure and connected places - Overview

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]

21.1 It could be any of the above depending upon the location within the parish and site-specific requirements.

21.2 These requirements may also change over time as some issues are addressed through other development.

21.3 Good design is an issue which should be addressed in any event as set out above.

Pillar Three – Planning for infrastructure and connected places – A Consolidated Infrastructure Levy

*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.]*

22.1 CPC believes CIL should remain as it provides benefit to the Parish

22.2 A fixed proportion would create more certainty for both the development industry and local planning authorities alike.

22.3 However, CPC has questions as to how the levy would translate into local level spending

*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*

22.5 CPC believes that the rate should be set locally in consideration of local circumstances.

22.6 However, viability should still be a factor in order to ensure that low value developments do not become unviable.

22.7 The rate should not be affected by a change of local political administration.

*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.]*

22.6 Ideally, it should aim to capture more value to address for instance under provision of affordable housing.

22.7 However, until the system is in practice it is difficult to make any definitive judgement.

22.8 Seeking to capture more value could result in viability issues.

22.9 This must be enforced by the Duty to Co-operate.

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.]

22.10 CPC agrees that allowing authorities to borrow against infrastructure levy's could be constructive as it could allow for forward funding of infrastructure and better planning for future needs and ensure that infrastructure is in place before house building begins. However, the authority is likely to incur interest charges which will impact the community benefit/value. It would be better to link CIL to developers and ensure timely delivery through rigorous monitoring.

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.]

23.1 The current permitted development regime has resulted in quite a significant impact upon local infrastructure without any contribution to mitigate this impact.

23.2 Going forward it must start contributing.

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.]

24.1 CPC believes that it should be at least the same amount, but wherever possible the emphasis should be on-site, particularly on larger sites.

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.]

24.2 This is a question for the local planning authority and will vary from authority to authority depending upon local circumstances.

24.3 There are positives and negatives in both approaches.

24.4 The key has to be what works for a specific authority in achieving the right levels of affordable housing

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.]

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.]

24.5 There needs to be a clearly defined set of adopted standards.

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

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

25(a). *If yes, should an affordable housing 'ring-fence' be developed?*

25.1 This 'ring-fence' must be transparent, accountable and monitored.

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?

26.1 All aspects of planning should have regard to Section 149.

In conclusion CPC would welcome any future debate on these issues.

Yours faithfully

Janet Russell

**Janet Russell
Clerk to Capel Parish Council**