



- 1. This response is made by Saffron Walden Town Council to the Government consultation dated 20 August 2020 entitled “Planning for the Future”.**
2. As an introductory comment, we note that:
  - a. the foreword and claimed successes of the NPPF and accompanying planning deregulation, including the extensions to the permitted use-regime, appear to be entirely unsupported by any evidence;
  - b. rather they have led to a large amount of poor-quality housing (extremely poor in the case of the permitted use regime, to the point of being described as the slums of the future), and developments which are generally lacking affordable housing, lacking green and other infrastructure, are energy inefficient and are largely almost totally reliant on the use of the motor car. The resulting housing cannot possibly be described as “sustainable” in any accepted use of the word;
  - c. The failures of the NPPF and the other Government changes over the last 10 years have been compounded by the Help to Buy scheme, which has significantly increased the price of new homes, and made houses more unaffordable rather than less;
  - d. The White Paper seems to assume that increasing the number of planning permissions will solve the housing supply issues, when there is no evidence at all to support this view – indeed, the extent of unused planning permissions has grown significantly in recent years, as both the Letwin Review and the Raynsford Report (see the “One Year After” update) show clearly, and both find that the problem is not a lack of housing permissions but the lack of public sector development.
3. *Q1: what three words do you associate most with the planning system?* This question is obviously a nonsense in terms of getting any meaningful consultation response. “Government driven unsustainability” might be our best attempt, but we should make clear that the Consultation proposals will not address the problems of the current regime.
4. *Q2: do you get involved with planning decisions?* Yes.
5. *Q3: Our plans will make it much easier to access plans and contribute your views to planning decision. How would you like to find out about plans and decisions in the*

*future?* The statement in the question is quite simply untrue – the local authority provides an easy way to access plans and contribute views, and the proposed deregulation will make it harder to have any meaningful input into planning policies or decisions, because the proposed changes in the Consultation will make it far harder for planning authorities to have any effective strategic planning role. We would be happy to find out about planning decisions and plans in the same way as currently.

6. *Q4: what are your top 3 priorities for planning in your local area?* Again, the question seems to be designed not to elicit any form of considered, evidence led response, by requiring just 3 priorities, so please see our more detailed response below. Again and again the White Paper asks for limited numbers of priorities, which is the opposite of sustainable planning – sustainability cannot be achieved by picking and choosing, but rather needs to be an integrated process whereby permitted development meets all the elements of sustainability. To try to paraphrase that into 3 priorities, we would like to see:
  - a. A long term strategic development framework which allows – and indeed requires – planning authorities to pro-actively plan for development which is sustainable in the internationally accepted sense of the word rather than the NPPF sense, by building sustainable homes, employment sites and other developments which are not reliant on the use of the private motor car, and which directly contribute to the local district’s target to be net carbon neutral by 2030;
  - b. Development supported by proper infrastructure, whether open spaces and other green networks, community facilities, public transport links or otherwise, and delivering significant amounts of genuinely affordable (ie again not using the Government’s definition of affordable housing) housing, and where each are delivered independently of each other, without a trade-off between any of them;
  - c. A proper land value capture framework so that the windfall gains accruing to landowners on the grant of planning permission instead largely accrue to the community, and to allow compulsory purchase powers to ensure that this is the case.
7. *Q5: Do you agree that Local Plans should be simplified in line with our proposals?* No. See our comments below for the supporting statements.
8. *Q6: Do you agree with our proposals to streamline the development management content of Local Plans?* No. See our comments below for the supporting statements.
9. *Q7a: do you agree with the proposal to replace existing legal and policy tests with a single test of sustainable development?* No:
  - a. we can’t see any evidence in the Consultation document to support the proposal or justify it, or explain what benefit it is intended to bring;
  - b. we fail to see how a single test could cover all the elements that contribute to sustainability, and nor is this explained. The proposals do not explain how, for example, site impact of traffic and air quality would be assessed;

- c. The NPPF has produced a huge amount of unsustainable (in the real sense of the word) development, but that is because of the way that “sustainable” carries its own peculiar definition for the purposes of the NPPF. We would like to see the National Planning regime altered to require sustainable development which is actually sustainable in accordance with the UN Sustainable Development Goals and other international norms;
- d. The White Paper at no point defines what it means by “sustainability”; the best that we can infer is from p.20 where the Consultation proposes to retain the NPPF concept of sustainable development and we infer from this that the proposal is also to retain the NPPF definition of “sustainable”, which of course in practice means not sustainable at all – we are aware of virtually no development permitted under the NPPF which could be described as “sustainable” under the internationally understood definition, and sadly almost all current development is unsustainable within such a definition. We can see nothing in the White Paper to change this;
- e. We would like to see the White Paper / NPPF definition of “sustainable” completely rewritten, in line with the generally internationally accepted meaning of the term.

10. *Q7b: how could strategic cross-border issues be best planned for in the absence of a Duty to Co-operate?* This question seems to exemplify the nonsense in the proposals – there is a clear need for authorities to co-operate on cross-border matters, which the Consultation wants to abolish, even though it explicitly recognises the need for it. We would suggest that a Duty to Co-operate is retained; we are aware of no evidence to suggest that removing it is a sensible proposal, and certainly there is nothing in the Consultation document supporting the removal. The current duty should however be strengthened with proper strategic planning at a regional and national level – the deregulation of planning over the last 10 years appears to have led to an absence of strategic infrastructure planning. At a local level here, the Uttlesford district is subject to Government-set housing targets to build large numbers of new homes, but with no Government funding or planning for the necessary infrastructure and no Land Value Capture system to pay for it. We would suggest that strategic cross-border issues can best be addressed by:

- a. *Halting the deregulation of planning, including reversing permitted development rights and the White Paper proposals;*
- b. *Introducing proper regional and national planning, including for necessary infrastructure;*
- c. *Retaining the duty to co-operate.*

11. *Q8a: do you agree that a standard method for calculating housing need should be adopted?* No, because we don’t see that it is practical, particularly if the Government actually has any regard to encouraging localism. There also seems to be little point in having a strategy to calculate housing need in the absence of any sensible strategy for

satisfying it. Requiring planning authorities to provide sites for homes which the Government must know will not be built cannot be sensible – the White Paper offers no proposals for filling the gap that exists every year between calculated housing need and housing delivery, and in the absence of large-scale public sector house-building we see no evidence that this gap will close.

12. *Q8b: do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be delivered?* No:

- a. The Consultation proposals are a complete nonsense, and conflate affordability with housing delivery from the private sector. It is obvious from years of evidence that the private sector will not build the necessary levels of affordable housing, because they have a vested interest in keeping house prices high, so that for many years the private sector has failed to deliver the Government's housing targets, and this will continue. The Consultation proposals will do nothing to address this, and preparing housing delivery targets based on the need for affordable housing and then expecting the private sector to deliver it is a nonsense. The Government must know – it only has to look at the copious evidence of housing development since WW2– that local housing targets will never be met by relying on the private sector, and all that will happen is that large numbers of sites will be made available for housing, with the private sector being able to pick and choose the ones they wish to develop, and a persistent under-delivery of housing, as happens currently. Making more sites available will do nothing for affordability, but just reduce developer costs and increase their profits, in the same way that all of the Government Help to Buy funding has fed straight through to developer profits and higher housing costs rather than helping affordability. Moreover, an over-supply of sites will make it even harder for planning authorities to plan, because they will have no certainty as to which sites will be developed, and therefore it will be even harder to achieve sustainable development and will make planning for infrastructure impossible;
- b. The Government needs to separate affordable and market housing, revise the definition of “affordable” so that it actually means affordable rather than just 20% below market, and plan for a delivery method to deliver the number of new homes required. Only by relying on state – whether at national or local levels of delivery – housing delivery will the national housing targets be met;
- c. Even if these factors were addressed in the White Paper, housing numbers need to be properly planned not thrown out by some general algorithm. In the case of our district, transport links are poor, sustainable transport links are extremely limited, and employment sites are few and far between, with most people out-commuting. Given the lack of transport infrastructure, the district is generally unattractive for new employers and will remain so. Despite this, the currently proposed Government algorithm would make us the fastest growing district outside London. The housing target for Uttlesford is vastly in excess of local

demand, which will just increase the extent of commuting in the absence of local jobs.

13. *Q9a: do you agree there should be automatic planning permission for areas for substantial growth?* No. Again, the proposal seems to be entirely evidence-free if there is any intention of building properly planned, sustainable developments. The idea of automatic planning permission is nonsensical if there is to be any pretence that the planning system is to produce properly planned, sustainable development, rather than the piece-meal car-dependent unsustainable developments that the current de-regulatory system has produced.
14. *Q9b: do you agree with the proposals for "Renewal" and "Protected" areas?* No; we cannot see any way in which these proposals will result in sustainable development or properly planned development. The deregulation of the last 10 years has led to a decade of unsustainable development, and these proposals would make that even worse.
15. *Q9c: do you agree that there is a case for new settlements to be brought under the Nationally Significant Infrastructure regime?* No; there is an extremely strong case for proper planning for new settlements, the use of Development Corporations with proper land value capture to ensure that necessary infrastructure can be provided and that the resulting development can actually be considered as sustainable; we can see no case for developments to be brought under the Nationally Significant Infrastructure regime.
16. *Q10: do you agree with our proposals to make decision making faster and more certain?* No; it seems just an attempt to rush through planning permissions with no regard to sustainable development. Penalising local authorities will lead to worse rather than better developments. It is extremely hard currently for planning authorities to resist unsustainable development, and adding to the penalties against them will make it still harder. Like so much of the White Paper, these proposals seem to be almost entirely evidence-free.
17. *Q11: do you agree with our proposals for accessible web-based Local Plans?* No; existing Local Plans already seem to conform to these desired outcomes, and we are struggling to see what another series of amendments will achieve.
18. *Q12: do you agree with our proposal for a statutory 30-month period for Local Plan production?* No; rushing through Local Plans will make them worse not better. The problems with Local Plan delivery failures are largely because of constant central Government changes, whether to Local Plan policies or requirements, particularly to constantly changing housing targets, and to the failure of central Government to plan properly for infrastructure at national, regional and local levels. In the case of our own district of Uttlesford, the Government is proposing a massive house-building target, but virtually no investment in the strategic transport network to accommodate it, which makes proper planning almost impossible.
19. *Q13a: do you agree that Neighbourhood Plans should be retained?* Yes, but the NPPF needs to be changed greatly to allow them to be effective. At present a huge amount of effort goes into the production of Neighbourhood Plans, but their provisions are then

largely ignored by the NPPF override to permit any “sustainable” development, and the White Paper appears to make this even worse.

20. *Q13b: how can the Neighbourhood Plan process be developed to help the White Paper objectives of using digital tools and community involvement?* If the Government researched Neighbourhood Plans, we believe it would discover that they have great community involvement already, and there is nothing in the White Paper to encourage more community involvement; rather the opposite by increasing central Government requirements. We believe that the biggest disincentive to Neighbourhood Plans currently is that they are largely meaningless in practice, and will generally be over-ridden by the NPPF and the White Paper’s desire to increase housing numbers regardless of their sustainability or local factors. The Neighbourhood Plan process could best be helped by amending the NPPF so that the planning system is genuinely plan-led, rather than having the permanent NPPF over-ride, and ignoring all of the policy suggestions in the White Paper.
21. *Q14: do you agree with the White Paper proposals to increase build out speeds?* No. As the Government has acknowledged elsewhere, it will merely lead to difficulties of co-ordination, make developments even less well structured, and not achieve the aim. Low build out speeds are a direct result of relying on the private sector, who will inevitably restrict build out speeds to control supply and therefore maintain house prices. If the Government wishes to increase build out speeds they need to change the system to encourage public sector building whose aim is to increase housing supply not to maintain prices and profits.
22. *Q15: what do you think about recent new build design in your area?* Generally awful, unsustainable environmentally, economically and socially, built with little regard to energy saving and minimising usage, almost entirely car dependent and generally lacking in all facets of appropriate infrastructure, whether green space, community facilities, schools, sewerage systems or sustainable transport links, but nevertheless deemed to be “sustainable” for the purposes of the NPPF. The White Paper focus on deregulation appears to be intent on making this situation much worse.
23. *Q16: the White Paper claims that sustainability is at the heart of the proposals; what is your priority for sustainability in your area?* The question – and the White Paper’s claim – is a nonsense – how can the answer be reduced to a single priority when there are so many facets to sustainability? It’s obvious from the White Paper that “sustainability” in any generally recognised sense is not at the heart of the White Paper proposals, and we find it very disappointing that this consultation pretends that it is. Our priority for the area is to have development which is actually sustainable by internationally defined standards, not the “sustainable development” permitted by the NPPF or apparently proposed by the White Paper. So development needs to be sustainable in transport terms, instead of car dependent as almost all current development is; it needs to be sustainable in climate terms and design, as virtually no current design is; and it needs to be sustainable socially and environmentally, providing space, facilities and infrastructure

for people's needs. We would recommend that the White Paper is completely redrawn to reflect the recommendations of the Raynsford Review rather than pretending that what it is proposing is remotely sustainable.

24. *Q17: do you agree with the proposals for improving the production and use of design guides?* No. The Essex Design Guide has resulted in vast numbers of uninspiring cookie-cutter housing developments across the county
25. *Q18: do you agree that a new body should be established to support design codes and building and that each planning authority should have an appropriate officer?* No
26. *Q19: do you agree with the proposal for design to be given greater emphasis by Homes England?* Only as one part of sustainability.
27. *Q20: do you agree with our proposals for introducing a fast track for beauty?* No – all buildings should be sustainable, in the proper sense, so why on earth fast-track something just because of a concept of “beauty”?
28. *Q21: what is your priority for what comes with new development in your area?* Again, as with question 16 the question is a nonsense, but sadly reflects why the White Paper is so poor. There is no single priority, and we find it hard to see how the question could even be asked if the Government actually had any interest in sustainable development. Sustainable development means development that is sustainable, not a system which forces planners to pick and choose between different components of sustainability, so every facet of sustainability should be a priority for every new development, whether it be better infrastructure, environmental improvements, design and build so that buildings and communities are actually sustainable, or proper non-car-based transport links and siting of development. Again, we would recommend that the White Paper proponents read the Raynsford Review and propose a system which requires development to be sustainable in all facets, and not to propose that planners have to pick and choose which particular element of sustainability they would like, since the White Paper seems to be saying that they are not all going to be provided?
29. *Q22a: should CIL and s.106 be replaced by a single infrastructure levy charged as a fixed percentage of development value above a certain level?* No; we think this is too simplistic, and will re-enforce regional inequalities, as well as subsidising poorer developments – those requiring more infrastructure to be made sustainable will be subsidised by those in preferable locations. Rather than a simple infrastructure levy, there needs to be a completely new system of land value capture. We object strongly to the White Paper proposal that any infrastructure levy is payable only on occupation of a new home, which is obviously far too late – infrastructure needs to be provided up front for development to be sustainable and to ensure that sustainable patterns of usage are developed. The proposal is nonsensical if there is any pretence of encouraging sustainable development rather than just increasing housebuilders' profits.
30. *Q22a: should the Infrastructure rate be set nationally, regionally or locally?* Locally if at all.

31. *Q22c: should the Infrastructure levy be set at the same level or to capture move value?*  
No, it should be hugely increased. Land with planning permission in our district of Uttlesford is valued at £1m per hectare and more, compared with £20,000 or so for farmland. Despite the price of land, national house-builders' profits are at extremely high levels. Proper levels of infrastructure and properly sustainable development will only be delivered if there is a huge increase in land value capture, through the ability for Local Authorities to acquire land at agricultural land prices, or close to them, and through a huge increase in the infrastructure contributions from developments.
32. *Q22d: should we allow local authorities to borrow against the Infrastructure Levy?* No; it's an absurd proposal to put the risk of infrastructure funding onto local authorities. They have no control over developer build outs, or indeed whether permissions are ever used, so the idea that local authorities should borrow to build infrastructure for homes that may never be built secured against potential future income which will never be received if the development is never built is a nonsense. No reasonable authority should ever take that risk. The proposal would represent a massive transfer or risk from the developers to the local authority sector, and we are not aware of any evidence to suggest that the proposal is even remotely sensible.
33. *Q23: should the Infrastructure Levy capture value uplifts through permitted development?* Yes, of course – there is absolutely no reason why permitted development should not contribute an equal share for infrastructure. More fundamentally however, permitted development should be greatly reduced – the current regime, and particularly the changes made in the last few years, have resulted in the most appalling quality of new housing.
34. *Q24a: should at least the same quantity of affordable housing be secured as at present?*  
The affordable housing levels should be significantly increased from the present levels, and the definition of "affordable" should be completely re-written – much "affordable" housing is not remotely affordable in reality. Under the current system, it is far too easy for developers to avoid affordable housing provision – Uttlesford averages 18% affordable homes compared to a policy requiring 40% - and developers should be forced to comply with affordable housing targets regardless of viability, and land values should then adjust downwards accordingly. If there was a proper system of compulsory acquisition allowing the public sector to capture land value increases arising from the grant of planning permission then there should be no shortage of affordable housing.
35. *Q24b: should affordable housing be secured through the Infrastructure Levy or through a discounted local authority right to purchase?* The provision of affordable housing should be separate from the Infrastructure Levy (which we object to anyway for the reasons given above) or any s.106 or CIL or other infrastructure requirement, but should be a fixed requirement for all developments. We would support a discounted right to purchase, but we note with great concern the White Paper suggestions that local authorities may be assuming risks and poorly built housing – if the planning system worked properly, then poorly built new housing would not exist. The system would be



much better if the appropriate land and funds to enable construction were transferred to the local authorities to allow them to be in charge of the development – it seems nonsensical to us for the private sector to be designing and building new housing which will be immediately transferred to the public sector; surely it be greatly preferable for the public sector to be in charge of the whole process? We also note that local authorities are likely to construct new housing to a better standard than private developers, and the fund transfers should reflect the higher costs – although of course if the White Paper does actually intend that future new housing will indeed be built in a sustainable manner, then private sector developer standards will need to improve greatly.

36. *Q24c: if in-kind, should we mitigate against local authority over-payment risk?* We struggle to see why there should be a need to mitigate if the basic provisions are properly drafted. We repeat our suggestion above which should reduce the risk.
37. *Q24d: if in kind delivery, should additional steps be taken to support affordable housing quality?* Yes, see previous answers.
38. *Q25: should local authorities have fewer restrictions on how they spend the Infrastructure Levy?* Yes. Local authorities are frequently penalised by losing s.106 funds when circumstances change and funds are tied to specific projects, so it would be sensible for local authorities to be free in their use of infrastructure funds. The policies need to make clear however that this does not provide an excuse to reduce the infrastructure contributions from any particular form of infrastructure.
39. *Q25a: if yes, should an affordable housing ring-fence be developed?* Yes. We struggle to understand how the question can even be asked – sustainable development should provide both affordable housing and proper levels of infrastructure, so there should be no question of needing to rob the affordable housing provision to pay for other infrastructure. If the White Paper is serious about future development being sustainable in the proper sense of the word, then the question should be academic since all parts of sustainable infrastructure, whether affordable housing, transport, schools, green spaces or other, would be fully paid for by the development.
40. *Q26: do you have any views on the Equalities effects of the Proposals?* Yes; we believe that the proposals will lead to more unsustainable development, lower standards of housing and worse infrastructure, which will disproportionately affect the poorer segments of society, and therefore increase inequality, as is presumably already the case for those unfortunate members of society who are forced to occupy the sub-standard housing permitted by existing Permitted Development Rights. This is even explicit in the White Paper proposals to establish a trade-off between the provision of affordable housing and the provision of essential infrastructure.