

Planning for the Future consultation
Ministry of Housing, Communities & Local Government
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Dear Sir / Madam,

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Planning for the future

Raifuture is Britain's leading, longest-established, national independent voluntary organisation campaigning exclusively for a better railway across a bigger network for passenger and freight users, to support economic (housing and productivity) growth, environmental improvement and better-connected communities.

We seek to influence decision makers at local, regional and national levels to implement pro-rail policies in transport and development planning.

Pillar One – Planning for development

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

Vital, under-resourced, under-valued.

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

Yes, however local planning decisions often have much wider implications than just in one local area.

2 (b). If no, why not? **n/a**

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?

Both digital and non-digital methods; putting clear notices around a site can also be helpful / essential.

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]

All are important priorities for what should be an holistic planning system – proper integration of balanced transport infrastructure is needed locally and strategically.

www.raifuture.org.uk www.raifuturescotland.org.uk www.raifuturewales.org.uk
www.railwatch.org.uk

A NEW APPROACH TO PLAN-MAKING

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

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

Not sure. Plan-making needs to be based on the whole context and needs of the local and wider areas and their people, and the nation. It is not a simple matter as for example a “good, or sound” plan may only be “good, or sound” if certain conditions can be met first e.g. infrastructure to support sustainable transport.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

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

Not sure. Though there could be some advantages, this is unlikely to be able to deal with the many variations of circumstances across the country. Most developments in the South East for example will be able to access some form of commuter rail whereas in Lincolnshire and other areas away from provincial cities it is completely different. There could however be a small set of mandated England-wide policies for strategic purposes, such as a presumption that all rail routes are protected.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

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?

Not sure. Neither the existing tests nor the “sustainable development” tests are adequate tests for a plan that should be able to stand up to an examination in public in all respects. Recent work by the Foundation for Integrated Transport’s ‘Transport for New Homes’ initiative, and our own research, demonstrates that the sustainable development test does not have the rigour necessary as there are many interpretations as to what it means and how it can be achieved in different settings.

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

One suggestion is that the new Sub-National Transport Bodies have statutory powers of ‘call-in’ to make recommendations to local planning authorities on developments which raise such issues. That may have to include the power of direction to refuse, to require certain conditions to be attached to any grant of permission, and ultimately for reference to the Secretary of State if no local resolution can be agreed.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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

Not sure. If there is to be a standard method it needs to be based on the existing and planned sustainable infrastructure in an area. It could be desirable to require more housing in areas with well-served rail hubs, and to require well-served rail hubs to be provided in advance for areas with significant housing requirements. However, good planning always requires the circumstances of each individual area and its population to be taken into account in an holistic manner.

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?

Not sure. “Affordability” needs a wide definition – if a development has no access to 7 days a week, good quality affordable and accessible public transport then life there will not be affordable for many people particularly those young, old, mobility-impaired who do not have access to a car.

“The extent of existing urban areas” is only one factor and there all relevant factors should be taken into account including capacity of infrastructure, locational factors such as flooding and views, landscape and bio-diversity etc. Holistic planning cannot be reduced to a couple of variables without the resulting development lacking quality.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

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?

No – development always needs to be conditional on the local circumstances and wider infrastructure considerations. HM Government’s “Restoring Your Railway” proposals, for example, may lead to infrastructure being provided that would allow a new or a denser development. However, it may not, and local areas need the time to undertake proper balanced infrastructure assessments among many other considerations. Significant, sustainable housing development between Uckfield and Lewes for example could be predicated on a reinstated rail link but this needs to be known first otherwise completely unsustainable development could result.

There will no doubt be areas where a presumption in favour of development could be indicated in plans. Where new infrastructure has been approved such as the Northumberland line for example then there may be areas where a presumption in favour of development is appropriate. Even so, good planning needs to take account of all the complexities, including the views of the communities.

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

Not sure. There is logic in specifically encouraging renewal in run-down urban areas and on underused land in successful towns. However, every location has its own history, constraints and possibilities which need to be taken into account; for

example, transport infrastructure in an area needs to be usable sustainably. There may well be scope for further development around Telford and Ironbridge for example, but the currently disused railway infrastructure needs protection and the presumed consent should enable the railway to be reopened under the same presumption for consent. Otherwise there is an imbalance between the development process for housing units and that of infrastructure for sustainability.

The proposed designation of “protected areas” has merits however there needs to be an exemption for existing and former rail routes and, where appropriate, associated safeguarded land. These routes need protection, as experience shows that they can be needed for rail, cycle or other sustainable transport. An example of difficulties caused by loss of former rail routes is in West Oxfordshire where at least parts of the Oxford - Witney rail route needs to be re-instated as part of an Oxford Metro (with Cowley) and to allow sustainable Garden Village development. Extra expense will be incurred because of historic lack of protection for the route in some vital places.

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 sure.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

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

Not sure. Decisions made with speed and supposed certainty can lead to very poor decision making, for example the 1963 Beeching Report and its implementation. Digital technology is not always the best way to consult communities and in our experience leads to an over-reliance of consultations on large quantities of lengthy documents which in themselves can exclude even those with access to suitable IT. Development management is not simply an administrative, technical process but very often involves applying sound judgement to a balance of needs and interests.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

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

Not sure. Clearly there are some advantages of standardisation but printed maps can often be more useful and accessible for example for consultation purposes in libraries and at community meetings.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

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

Not sure.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

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

Yes.

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?

No comment.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

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, there should be firm sequential requirements to ensure that infrastructure for sustainable development is in place before development or certain phases start, known as Grampian conditions.

For accelerating the delivery of development of certain railway infrastructure the General Permitted Development (England) Order 2015 Schedule 2 Part 8 requires a relaxation of some of the current exclusions from permitted development in Class A.

Pillar Two – Planning for beautiful and sustainable places

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

There has been a very mixed picture and a tendency (shown clearly by recent research both by Transport for New Homes and Railfuture) to build developments designed around private motor vehicles, sometimes with no footways, making active / sustainable travel very difficult.

There has also been a tendency to allow low-density developments around railway stations whereas design should ideally allow for more density around transport hubs, examples include Chatham and Tottenham Hale (in both these cases relatively recent shed type developments are going to be cleared to make way for higher density and more appropriate layouts for transport hubs, at considerable public expense).

Railway architecture can often set a standard for a town centre and the design of buildings around it. Stoke on Trent is just one example of focussed urban form around a high-quality railway station, square, and hotel. This gives a sense of arrival and departure in a location and transport hubs should be a strong community focus preferably walkable from new development.

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

Proactive approach to a comprehensive and integrated rail and wider public transport network with each local plan making firm infrastructure commitments and requirements, to prioritise provision for active and public over private transport.

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CREATING FRAMEWORKS FOR QUALITY

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

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.]

Yes, provided that it is understood and accepted that ‘design’ is not merely visual but also spatial, which embraces inclusive design for sustainable movement prioritised around the active and public modes.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

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, well-designed communities are more likely to be sustainable and successful.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.

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

Yes, Homes England should ensure that it secures well-designed, sustainable, successful communities.

A FAST-TRACK FOR BEAUTY

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

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

Not sure. All development should be of high quality and this highlights a problem with “automatic permission”. Even purely visual beauty as widely accepted e.g. parts of the City of Bath or Bournville, still requires holistic and joined-up planning.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Climate change effects and environmental opportunities exist in every area. Using transport as an example, there have to be network benefits transcending local plan boundaries. The National Planning Policy Framework needs to be clear for example

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that decarbonisation of the transport network requires a concerted and sustained programme of rail expansion and modernisation. Network Rail and the Sub-National Transport Bodies need to inform local plan requirements, and vice versa.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Speeding up the system requires forward investment in determining how infrastructure can reduce impacts and exploit opportunities. National and sub-national planning bodies need to be forward-funded to assess opportunities in advance of plan preparation. Currently in Germany, for example, authorities are bringing forward thousands of miles of potential rail re-openings which will in turn reduce road traffic, pollution etc and enable zero-carbon transport. Attempts to develop public transport links to create sustainable development opportunities in England tend to falter. Tavistock is an example where a good rail-based proposal has become mired due to there being no joined-up system for holistically planning and driving forward rail-based new developments.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

No comment.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Energy-efficient buildings must be matched by energy-efficient, and low resource-consuming, means of access.

Pillar Three – Planning for infrastructure and connected places

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]

These 'priorities' are false and potentially divisive choices as they are all important components for better-designed communities around rail hubs, and better use of existing and potential rail routes would enable all of the priorities listed. There is overwhelming evidence across England that imbalanced car-based developments have led to many unattractive, inhospitable, unsustainable and inefficient developments.

There is also a huge loss of good quality buildings and green spaces from prioritising provision for car and lorry-based developments. There is a need for a national presumption in favour of sustainable freight links for all significant industrial areas otherwise the effects of lorry traffic are felt well beyond local plan boundaries.

A CONSOLIDATED INFRASTRUCTURE LEVY

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

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?

Not sure. Planning Obligations were intended to mitigate the adverse impacts of specific developments and / or enabling a specific development to take place. Some of these are localised and specific needs and investment in a railway station, for example, could allow a specific development to have a much higher density. These tactical effects may not be realised by broad CIL commitments which would need to be based on widespread community infrastructure needs.

It is not clear how forward provision of infrastructure can be achieved if CIL is dependent on realised development value when permissions are automatic. Equally the development value will be suppressed without the certainty of infrastructure provision. Examples of Barking Riverside, Buckshaw Parkway and Thanet Parkway stations were accepted as being needed to be provided in advance of major developments.

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]

There could be a nationally-set CIL envelope within which local infrastructure needs would determine the rates locally. There will be some developments which need more expensive infrastructure.

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?

Not sure.

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

This may have merit and would benefit from more specialist, detailed consideration.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

This would likewise benefit from more specialist, detailed consideration.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

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?

Not sure. This question implies that affordable housing is “infrastructure”. The reality is that the necessary growth in affordable housing, however that is defined, will need an at least commensurate growth in the infrastructure for affordable, active and sustainable public transport. Housing cannot be considered truly ‘affordable’ if it is located within an unaffordable community owing for example to poor connectivity.

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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.]

Not sure.

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.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. The definition of “infrastructure” is a policy choice and therefore ultimately a political one when there are likely to be insufficient resources to go round. Some matters such as the viability and commissioning of rail services are national government responsibilities so the infrastructure needs in each area may need to be mandated or at least strongly advised centrally or at the very least sub-nationally.

Our experience is that it is very hard for a local community or local councils to progress rail investments because railways almost invariably cross boundaries. Indeed the focus of this consultation on local communities misses out the essential point that when it comes to transport planning each community benefits or disbenefits from decisions made in other planning areas as well as in its own.

The move to regional, sub-national transport planning and delivery in some areas (e.g. Transport for the North, Midlands Connect) should help but the accelerated timescale for producing local plans risks rushing local plans into place before well thought-out sub-national strategies can be prepared and resourced. Development gain contributions to community infrastructure will usually only provide an element of match funding, the remaining funding needs to be in place or at least planned to be.

There needs to be scope for integration between funding plans to meet local infrastructure needs and external funders such as Network Rail, Local Enterprise Partnerships, as well as private developers. A constant theme in trying to integrate development and infrastructure planning is aligning the objectives of varying stakeholder bodies and their various delivery programmes and funding streams. The new sub-national transport bodies should have a pivotal role in brokering joined-up development and infrastructure planning and delivery, including a formalised role in the DfT's Rail Network Enhancements Pipeline processes.

This all suggests that much more ambitious community infrastructure plans will need to be in place. These plans will need to consider not just the local plan area but how the local plan operates in the wider context and how local decisions can further sub-national and national policy objectives such as carbon reduction.

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

Clearly there needs to be a good supply of decent, well-connected affordable homes with the necessary infrastructure in place. We do not wish to comment further on the mechanisms for how this is to be achieved as it goes beyond our remit and expertise.

Delivering change

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements (detailed on p.71):

There needs to be a redress of the imbalance of resources between local highways authorities and Highways England and public transport planning.

Town and Country Planners do need continuous training, support and sustained resources to ensure that development and infrastructure planning has the capability to meet tomorrow's needs. Recent research into "Garden Villages" for example suggests a significant correlation between new developments and bringing forward long-held road-building ambitions. In this way new policy and its practice risk embedding precisely the very old, unsustainable policies which it was meant to be moving forward from.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

What happens next

EQUALITIES IMPACTS

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?

This needs to be considered in a full impact assessment as the effects on different protected groups will be varied. It is clear that current car-centric policies within the planning system disadvantage poorer communities (e.g. Asian families in the West Midlands with a higher exposure to child road casualties and Black families in London with a higher exposure to road-based air pollution). Lack of quality public transport planning also discriminates against younger and older people and those with disabilities who cannot drive. The danger with a broad-brush and simplified planning system is that all-important details on how each group with protected characteristics are affected can be aggregated into bland generalisations which embed discrimination by failing to recognise, acknowledge and act appropriately on more nuanced difference.

Yours faithfully,

Roger Blake BA, MRTPI (Rtd), MTPS
Railfuture
Director for Infrastructure & Networks