

Brown Not Green Chesham Ltd

c/o 2 Deer Park Walk Chesham Bucks HP5 3LJ

Proud members and supporters of:

www.brownotgreen.com

“Protecting the Green Belt around Chesham”



26 October 2020

“Planning for the Future” – White Paper Consultation response

INTRODUCTION:

Brown Not Green Chesham Ltd (BNG) is a not for profit private company, limited by guarantee that has been incorporated since 2016 and emerged from a former unincorporated residential association formed to protect the Green Belt around Chesham in Bucks.

The Company was created specifically in response to proposals by the former Chiltern & South Bucks District Council to allocate land around Chesham that is currently designated as Green Belt for large scale housing development. BNG feel that brownfield opportunities should be more thoughtfully examined and developed not Green Belt sites.

BNG has some 1,800 supporters and over 100 households as “members” representing over 250 individuals within the local community. (Membership is defined by any household that has donated funds to the Company.) To date all funds raised by BNG have been deployed for payment of legal and professional fees in making representations during the Local Plan consultation & Examination process as well as seeking the Right to Bid for land considered as Assets of Community Value NE of Chesham and in making various Definitive Map Modification Orders to prevent informal footpaths being lost from inappropriate development in the local environment. BNG has also made submissions in response to specific local planning applications.

The Company is administered by 6 unpaid volunteer Directors including Phillip Plato FloD DipSurv MRICS (contact details for whom are recited at the end of this document) & who is authorised to make this submission on behalf of the Company. This submission follows BNG’s response to a previous White Paper – “Changes to the Planning System” submitted on 1 October 2020.

BNG have reviewed the subsequent White Paper entitled “Planning for the Future” for which consultation responses were sought by midnight on 30 October 2020 and have the following responses to the questions posed therein.

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GENERAL COMMENTS:

The White Paper seems to be starting from the premiss that the current system is completely unfit for purpose and the Prime Ministers response in the foreword set the tone for what is being proposed, namely *“no more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations, and building from the ground up, a whole new planning system for England”*. The Prime Ministers penultimate comments on page 6 state *“but what we have now simply does not work”*.

BNG accept that there are numerous deficiencies with the current system which is far from perfect but we have reservations about the implication that it is necessary to scrap this present system and start afresh particularly given some of the proposals contained within the subject White Paper.

BNG feel it would be better to address the short comings of the present system to make it operate more efficiently and in particular to reduce the time it takes to prepare Local Plans and the time necessary to obtain planning consent which BNG feel would also have a significant effect on reducing the costs of the bureaucratic arrangements that are in place. We are concerned that the proposal to “start again” will in the short term at least, create further unintended consequences of yet more uncertainty, leading to further delay with greater propensity for litigation and judicial review that in the short term at least will only make the present short comings worse.

As inefficient as the present system is with its numerous flaws, it has developed significantly from the changes in 1991 and whilst one of the flaws is that the public at large are confused by the current system, there is growing familiarity with it and a well-established network of professional planners, solicitors, surveyors and barristers who do understand it. BNG contend it would be better to reform the present system rather than adopt many of the proposals outlined within the White Paper.

The White Paper complains that the planning system results in it taking too long for a Local Authority to adopt a Local Plan and BNG would respectfully suggest that much of this is due to continuing political tinkering with the planning system and specifically the publication of revised

guidance and regulation which frequently renders the Evidence Base of a Local Plan to be out of date before the Local Plan can even be submitted for inspection.

However BNG would agree that the system has lost public trust as referred to on page 12 and submit that this trust would better be restored by addressing the shortcomings of the prevailing system without introducing a new system, particularly one that will threaten the much valued green spaces and local environment of the people within whom the present system has already lost trust. The White Paper proposals will therefore only worsen public view of the system and result in further decreased levels of trust if that is possible.

Page 16 of the White Paper asserts under the list of various bullet points summarising the Governments planning reforms since 2010 that the Government have continued “*to protect the Green Belt*”. BNG would assert that that has not been the case and one of the reasons for reduced public confidence in the planning system is the fact that local communities frequently see their much loved local Green Belt areas coming under threat either from allocations within Emerging Local Plans for development on Green Belt areas as well as AONB and the Green Space or that because the Local Plans take too long to be produced that developers seek development on these areas claiming “very special circumstances” partly due to the absence of a Local Plan.

Neighbourhood plans should have a greater say in determining where development goes and particularly whether Green Belt should be released for housing allocations in a Local Plan. The current system effectively delivers a “top down” system whereby housing needs are calculated now by a flawed Standard Methodology and because Local Authority like any other organisation would look to seek the most expedient route for delivery of a imposed target, or seek potentially the easiest solution and all too frequently the first option is to conduct a “Green Belt assessment and review”. BNG feel that this is fundamentally flawed and Local Authorities should be compelled to not only prepare and maintain a Brownfield Land register but that the Local Authority must undertake a Brownfield Land review before looking at any Green Belt assessment. Such a Brownfield review should include a reappraisal of building densities to maximise the delivery of housing in particular from previously developed and Brownfield Land.

BNG contend that the assertion that the Governments planning reforms have “continued to protect the Green Belt” are not borne out by the facts. Research from the London Green Belt

Council as well as separate research by the Campaign for Protection of Rural England show that five of every six Local Authorities are planning to build on areas designated as Green Belt. This is not just confined to the London Metropolitan area and as reported in the Planner Magazine in 2017 Birmingham saw a decrease in its Green Belt area of just over 10%.

According to the Governments own land use change statistics, the UK has lost around 50,000 of hectares of previously undeveloped land to developments since 2013 which represents an area roughly a third of the size of London. This is unsustainable and cannot be ignored.

Conversely, further research conducted by CPRE and summarised in their report titled *Unlocking Potential: Best Practice for Brownfield Land Registers* published in December 2017 reveals significant shortfalls in Local Authorities appraisal of Brownfield and inconsistency in maintaining and reviewing Brownfield registers that they have identified 2600 new sites in the last year upon which they feel a million new homes could be built without having to touch Green Field, Green Belt, AONB or other protected undeveloped land.

Whilst it is acknowledged that the White Paper refers to this problem and claims that the development potential of Brownfield Land will be maximised, the White Paper as a whole does not explain how this result will be the inevitable outcome when Local Authorities will again be allowed to conduct their own review and will presumably again rush to appraise provision of housing from Green Belt and open spaces particularly when the White Paper is also proposing changes to the Plan preparation system whereby Local Authorities might not have to conduct an examination in public and would instead conduct some sort of self assessment that would only be checked at random.

Questions from P 37:

Questions 1. What three words do you associate most with the planning system in England?
Unclear, slow and expensive.

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

[Yes / ~~No~~]

2(b). If no, why not? [~~Don't know how to / It takes too long / It's too complicated / I don't care /~~

~~Other - please specify]~~

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 – all of the above proposed methods should be used to promulgate information about plans and planning applications

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]~~

Question 6. (Page 30)

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 – some of the proposals in the White Paper do have merit but there are a number of concerns raised from what is being proposed.

Specifically,

The proposed three new categories appear to be helpful and obviously the protected areas would hopefully result in there being a continued presumption against inappropriate development in Green Belt and maintaining restrictions in other areas of development restraint policy. However BNG are concerned by subsequent proposals that suggest that Local Authorities would be the sole arbiter of whether there are “exceptional circumstances” to justify release of Green Belt and other areas of development restraint policy and allocate them for growth.

BNG are concerned about proposal two which appears to take away local input and for Central Government to dictate specific development standards.

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 - Proposal three introducing a single statutory “sustainable development” test to replace the existing test for soundness appears attractive but BNG are concerned that it may be little clearer to the public than the present soundness tests. Sustainable development means different things to different people and we note and welcome the proposal to develop a simplified process for assessing the environmental impact of plans, as the present system is complex and off putting to the public who find it difficult to engage with.**

There will always be a tension between the competing needs to preserve and conserve the natural environment and the requirements for growth and infrastructure. Whilst current legislation and regulations undoubtedly hinder the delivery of housing and infrastructure because of the bureaucratic requirements contained within them, the proposed changes within the White Paper provide insufficient safeguards for conserving open spaces and particularly Green Belt and if implemented without suitable care, will put unreasonable pressure on the environment and particularly areas of Green Belt that provide the “lungs” of the cities they surround and once gone cannot be replaced. This is inconsistent with the Government’s other separate objective to reduce CO2 & other emissions and seeking to be carbon neutral in the not too distant future.

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

BNG have particular concerns about the duty to co-operate being removed. BNG feel that if anything, the duty to co-operate should be given greater emphasis and Local Authorities should be discouraged from working in “silos” to ensure cross boundary co-operation on issues not just of housing provision but also on infrastructure and on strategic sites.

Questions 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~~].

Page 16 of the White Paper asserts under the list of various bullet points summarising the Government’s planning reforms since 2010 that the Government have continued “*to protect the Green Belt*”. BNG would assert that that has not been the case and one of the reasons for reduced public confidence in the planning system is the fact that local communities frequently see their much loved local Green Belt areas coming under threat either from allocations within Emerging Local Plans for development on Green Belt areas as well as AONB and the Green Space or that because the Local Plans take too long to be produced that developers seek development on these areas claiming “very special circumstances” partly due to the absence of a Local Plan.

We do not support determining the housing requirement for any area using only a standard methodology that becomes a “one size fits all”. It would appear the Government has conceded that the current methodology is not fit for purpose – facing up to an inconvenient truth that many in the profession have known about for some time!

However, the Government has taken the view that the “answer” (which is perceived to be the need to boost supply to 300,000 homes per annum) is right but the proposed means of getting there is wrong. A new Standard Methodology is now being proposed in a previous White Paper; effectively another “algorithm”.

Whilst one might argue that the Government has had limited success with algorithm’s in other unrelated areas of government during 2020, it is acknowledged that there must be some starting point for assessing need, but in our view, it is essential that this does not then simply become the definitive housing requirement for every local authority area and to do so risks replacing one flawed methodology with another.

There must be a further assessment of all areas to consider local designations and constraints such as Green Belt and AONB and local affordability issues. We would suggest that this further assessment must also incorporate a detailed review of all brownfield opportunities and previously developed land. Without any such further assessment there is a real danger that the “methodology” will become nothing more than a self-serving and flawed justification for “exceptional circumstances” to warrant removal of land from development restraint policy, such as Green Belt and in so doing thereby miss the important environmental necessity to preserve the natural environment. It would also thereby undermine the other aspirational pillar of the Governments Proposals for “Protected Areas”.

For example, in our area of the former Chiltern District Council (now part of the new unitary authority of Buckinghamshire Council) the new Standard Methodology, if applied as proposed, would see the already challenging housing need assessment further increase by 232%, yet 88% of the former District is designated as Green Belt with 72% also designated as AONB.

BNG acknowledge that there is a need to build significantly more homes that are both affordable and environmentally friendly and that there are short comings in the present system but despite the assurances of the Secretary of State for Housing Communities and Local Government on page 8 of the White Paper, that the proposed changes are to “*cut red tape and not standards*”, BNG feel that experiences from previous planning reforms demonstrates that the uncertainty surrounding the change and the implementation of new proposals, only increases bureaucracy and judicial

challenges and thereby, in the short term at least, negates the very aims that these proposed changes seek to address.

The implication within the White Paper is to sweep away current safeguards to facilitate the rapid growth in housing that is claimed to be required but which BNG feel is frequently overstated and which cannot easily be accommodated in numerous areas particularly where prevailing long established development restraint policies such as Green Belt and Area of Outstanding Natural Beauty considerably restrict the provision of housing that is being advocated by the Government's further suggested changes to the Standard Methodology for calculating housing need. The Standard Methodology MUST recognise and provide flexibility for constraints such as large areas of a district being within Green Belt/AONB etc.

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.]

From P 35 –

Questions 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.]

The proposed streamlined development management policies in respect of areas identified as growth areas are broadly welcomed and would hopefully improve the certainty and the speed for delivery of development. However BNG are concerned that there should be similar assumed consent for development for all necessary infrastructure together with appropriate funding for the development proposed in such area to ensure that the infrastructure comes first and is not left behind resulting in development that then causes harm on over burdened original infrastructure.

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.]

Question 10.

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

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

BNG broadly welcomes the proposal to digitise the process and make access to applications and supporting documents more easily accessible on line and similarly for any consultations to be conducted in the same manner. However there are a significant number of people who are not connected to the internet or have access to good quality broadband and accordingly more conventional methods of publication such as newspapers and site notices must also be retained to ensure that those people are not left behind or disenfranchised from the planning process.

Whilst proposals for incentivising the Local Planning Authority to determine an application within a statutory time limit is laudable, this has been tried previously with limited success with the potential for Local Authorities taking the view that once they have missed the deadline there is little incentive to “catch up” and indeed resources are sometime diverted to other applications where they might be able to meet the deadline and consequently the more complex and controversial applications can languish.

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

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

Please see comments in response of previous question relating to concerns about people who do not have access to the internet or good quality broadband and the need to retain more conventional methods of accessibility to review plans and applications.

Notwithstanding comments herein about the current Plan making process, BNG have some concerns about the proposals for streamlining the Plan making process within the White Paper though it is acknowledged that some changes are necessary but BNG are sceptical about the proposals in the White Paper.

BNG are particularly concerned by the alternative proposal to remove the examination stage entirely requiring Local Planning Authorities to undertake a process of self assessment against set criteria and guidance. This is felt will inevitably lead to cash and time strapped authorities rushing the process particularly in respect of appraisal of Brownfield and particularly Green Belt Land where there is a difficult housing target to meet with potential for erroneous claims of “exceptional circumstances” going through “on the nod”. Once lost to development, Green Belt is difficult to restore as are other areas of development restraint policy.

BNG would suggest that if this alternative is to be considered there should be a requirement that if a Local Plan is seeking “exceptional circumstances” to develop Green Belt or other areas of development restraint policies such as AONB that the Plan must go for independent examination and furthermore that there should be a statutory requirement for the Local Authority to demonstrate that a thorough appraisal of Brownfield Land including a review of densities of development on Brownfield and previously developed land has been conducted before commencing any assessment of Green Belt.

However BNG are of the view that it would still be preferable for all Local Plans to be subjected to independent scrutiny if only for the purposes of ensuring communities are not disenfranchised or feel excluded from the planning process and have the opportunity to make representations to an independent examiner and not just to a Local Planning Officer or Councillor. To do otherwise will undermine local democracy and have potential for undermining neighbourhood plans.

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Question 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.]

Questions 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(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?

Question 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.]

Questions 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]

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]

Question 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.]

Question 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.]

Question 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.]

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

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

Question 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~~]

Questions 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(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(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(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.]

Question 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.]

This will discourage changes of use and innovative recycling/reuse of land or building.

Questions 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(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(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.]

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

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

In the interests of transparency and providing public confidence in the propriety of the system, LPA's MUST accord with the restrictions relating to spending & delivery of much needed infrastructure and affordable housing.

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

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

Question 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? **NO**

Submission prepared by:

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For & On Behalf of

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