

ETCHINGHAM PARISH COUNCIL

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The Planning White Paper Etchingham Parish Council – A Response

Questions

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

Sustainable development, neighbourhood planning, National Planning Framework

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

Yes

2(a). If no, why not?

Not applicable

[There is no 2 (b)]

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]

There is no evidence that anything in the White Paper will make it easier to contribute our views. We learn from an e-mailed bulletin, but the wider public would benefit from an electronic system of alerts. Social media is not universal, but in combination with newspaper websites could be useful back-up. However the pink notice remain effective for neighbours.

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]

Building homes that local people can afford and which meet the area's needs; protection of green spaces, both in and between settlements; regenerating the economy.

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

The assumption in this statement is altogether questionable. Zoning might just be applicable to urban areas, but almost impossible to be done simply in rural areas. Nor is it easy to see how it can be squared with Neighbourhood planning. If every hectare in a planning authority is to be fitted into one of three zones that will be a lengthy and largely unnecessary process. Although some business uses are compatible with or even necessarily combine with housing, other industrial developments, particularly those which generate noise, traffic and pollution need to be separated from housing. It is unclear how this is to be accomplished. If the idea is to speed planning this could be accomplished more simply by deeming all sites included in the Local Plan's DaSA to have outline permission. However, as far as housing is concerned, the problem in Rother, as elsewhere, is in ensuring that sites with permission are built out in a timely manner. The gap between the number of planning permissions given and the number of houses built is widening year on year.

Although, as a Parish Council in the AONB, we assume that we would automatically be in a protected zone, we are unclear how it is proposed to deal with planning applications in protected areas and we are profoundly concerned at the removal of any community input at the application stage in the proposed Growth and Renewal zones, except where development sites have been identified in the DaSA.

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

No. We do not agree that they will streamline the development process and they have the potential not only to weaken community involvement, but lead to the building of homes which the community cannot afford (large developers are not always good judges of the local market) and saddling local communities with unsuitable development.

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?

No. There are two distinct issues involved. The environmental impact is already a consideration, but consideration of it may well need strengthening. However, we should like to see the components of sustainable development specified and tested rather than aggregated and are cautious about moving from the existing legal and policy tests without good evidence as to why this is necessary.

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

Again the assumption needs questioning. It is not clear why the duty to co-operate is being removed, but if it is to go, consideration should be given to strengthening the upper tier's role in strategic planning. Planning rules need to be clarified to lessen the possibility of disputes.

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

No. Top down targets set nationally should not be imposed. If the Government wishes to establish a formula to indicate relative housing need, that needs to be tested to ensure that it does not have unforeseen consequences. While it could be a useful guide and challenge at the inspection stage of local planning, it needs to be tested against local factors and more particularly constraints on the amount of land that is protected by various designations (in our case AONB, SSSIs and in Rother RAMSAR sites also) available. A public enquiry that takes into account all relevant factors and accords them appropriate weight remains essential.

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?

This again is an over-simplistic question which implies that these are the only factors to be taken into consideration. In an area relatively proximate to the capital and with marked inward population movement, affordability is not simply a function of low wage levels and relatively high price levels and to make this the dominant consideration is not likely to solve the problem. Studying the balance of housing between urban and rural areas in a planning authority and making provision for a proportionate annual increase may have more merit, but a range of policies is likely to be necessary and local authorities might be required to produce a plan to achieve more affordability. There is a real danger that if a mechanistic formula is applied, the new housing will not become more affordable for local people, but will be bought by outsiders. We have a limited second home problem at the moment but many people moving into the area already. A one size fits all policy will not fit the particular circumstance of Rother and could well worsen the problem.

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?

Again two questions in one. The answer must be No. In rural areas in particular it will be hard to identify widespread areas to be placed in one or other category and the possibility of in effect sterilising a large part of the District by deeming it protected must be considered. Most parishes even in the AONB have some possibilities for growth and regeneration, although limited in scale. If automatic outline permission is to be given that should be for sites identified in the DaSA process, which does not involve any attempt to zone the whole District. The latter would be a complicated and time-consuming process. In principle we are against anything that diminishes community involvement and weakens the Neighbourhood planning process, and while it is unlikely to concern us directly, any move to zoning needs more thoughtful consideration as planning is not simply concerned with housing development. We are unclear what is meant by faster routes to detailed consent,

but see some merit in local design guides and clear standards to bring more certainty into the process.

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

It is singularly unclear as to what precisely is going to be the process, but we are sceptical about the principle of zoning and against anything that diminishes community involvement or weakens the neighbourhood planning process. More detail is required for a definitive answer, but on what has been so far indicated, the answer is in the negative as far as Renewal Areas. It would appear that in Protected areas the process will be much as today, and if that is so, acceptable.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Without detail as to how the system would work and no evidence as to what this is desirable, it is not an easy question to answer. If what is in mind are new urban settlements or carefully planned new villages like New Ash Green, Kent and due regard is paid areas of landscape significance, this might well be acceptable. But without that detail, it is hard to answer in the affirmative.

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

This is a loaded question. It is far from certain that the changes will make the process faster or more certain. On balance we judge that, at least initially, they will make planning slower (zoning will be complicated and contested and permissions likely to be delayed), potentially more expensive, and certainty elusive unless and until the necessary guides to design etc are in place. Giving local plans time limits for their preparation and submission will help, but the whole process of zoning seems fraught with difficulty. Although welcome the provisions about design are not likely to speed the process or render appeals unnecessary. Greater certainty is a desirable goal and needs further exploration to see how it can be achieved.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

While a move in that direction is clearly desirable, there is a significant proportion of every age group unable or unwilling to master the necessary technology. To make local plans web-based only will disenfranchise perhaps as much as 10 per cent of the population and their needs have to be addressed.

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

In principle yes, and in fact a shorter period would be desirable, particularly after the necessary consultation is complete. However, in practice unless the question of adequate resources is addressed it will be difficult to achieve. Nor is it easy to see, given their limited lifespan, how neighbourhood plans can be fitted in. There will be capacity problems, if and

when a new system is agreed, in preparing for the new while keeping the existing process timely.

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

Yes. This was a welcome development and an increasingly important way of getting the local community interested in and involved in the development of their local community. There is a distinct danger that they will be marginalised in the proposed new system and more thought should be given to putting them in most instances closer to the heart of the planning process. On occasion, they will need to be overruled because of regional and national considerations, but those should very much be the exception not the rule.

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?

Current levels of support have been good, but more may be needed if they need to communicate with experts on local design guides. In AONBs, particularly those with distinct settlement patterns and/or housing typed, they should be required to take advice from the relevant bodies. More help with the development of CLTs, possibly in places on a multi-parish basis, may help deliver their housing needs particularly if they can work with small or medium sized building firms.

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?

This is at the heart of the problem. While there must be no compromise on design standards (these need to be greatly improved) or on minimum size, developers need to be either incentivised and/or forced to complete developments in a specific time from the granting of planning permission. One possibility is for a proportion of the Council Tax liable on houses once complete to be paid by the developer after say two years if the development has not NPPF and a more robust approach by the District Council and been started and doubled if it is not completed in a further period of time. If a developer found that too onerous, sale to the local authority at DV's valuation for the land to be made available to another developer would follow. Local Authorities might be allowed to furnish capital at a reasonable rate to small builders.

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

In general it has improved, although there is still a tendency to over-develop and pay insufficient attention to getting the design right for the locality. The improved NPPF (2019) and a more robust attitude by both the District Council and the Inspectorate has helped, and the Council has adopted the Design Guide issued by the High Weald Unit. It is important that the progress made is not threatened by too much top down thinking nationally. Most rural areas in particular require good vernacular design.

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]

It is important to recognise that cars are an essential part of life in a rural area. Also, that if safe cycle ways between relatively close settlements were to become the norm bicycle usage would doubtless increase. Even quite large settlements may be without shops, a school or a GP practice and bus services, if available at all, are confined to main routes five days a week with long intervals and no evening service. Energy efficiency and water conservation top priority for all, plus trees, but not just trees, also hedges and green spaces. In rural areas the space between settlements needs to be safeguarded. Important to recognise that carbon can be absorbed by other forms of landscape, not just woodland and that timber framed housing (domestically sourced) is climate friendly and not expensive to build. In urban areas there can be more emphasis on walking and cycling on higher densities achieved by repopulating town centres and going for fewer bungalows and more three storey properties – flats and maisonettes ranged around squares as Neil Waters demonstrated can achieve high density in an attractive form.

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, but not only must National Design Guide and National Model Design Code not conflict, but there must be recognition that they are guides and that more local design guides are key.

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?

Not sure. It might be helpful as a stimulus, but could be constraining. To comment properly one would need to see the detail. It is important to recognise that the very diverse character of past architecture and to ensure that good design germane to a particular settlement or area of a town prevails.

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.]

Yes in principle, but ultimately local people are likely not only to know what best fits into the locality, but will take good care to get this right. It is important to avoid too much top down control and to remember that architects can be the slaves of fashion.

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

Almost certainly not. Too many developers are more interested in minimising cost rather than good design and it is important to maintain local involvement and control. Developers should be incentivised to work with local people in the interest of achieving acceptable schemes and minimising objection. With local agreement secured, delegation rather than committee decision can be achieved.

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]

In an AONB certainly design and density matter, but clearly we need houses that local people can afford. That probably means a mix of market housing, shared equity and social housing and it needs to be recognised that the planning system is far from the only factor in achieving these. Community Land Trusts may be an important vehicle. But with modern means of construction affordability and good design can and should go hand in hand.

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.]

We are very dubious about the effect of doing so. Many Section 106 obligations have little to do with infrastructure and need to be maintained. The threshold would have to be set quite low in rural areas where sites are in general small and hence other means would have to be found to help with viability. To make affordable housing dependent to a large extent on a consolidated infrastructure levy, and particularly one not paid until the last house is complete is very dangerous and will allow the system to be gamed. It would be important to ensure that the benefit was secured to the community and did not result in increased profits for developers and reduced provision of necessary infrastructure.

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]

Local variations in cost, not least of land make a national rate impracticable. It might be possible to set a regional rate, but preferably with some local variation at the margins.

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.]

More value would be welcome, but if the rates are not set correctly, viability may become a problem. Unless the current oligopoly in the housing market is tackled, looking for an

overall increase is likely to produce endless representations about viability and lead to delay. Getting this right will be immensely complex and should not be undertaken lightly.

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.]

This may become an inevitable consequence of the proposal, but should be resisted. It would be potentially very dangerous, because it is difficult to see how developers could be prevented from taking advantage – should they choose to do so - of a system where CIL only has to be paid at the end of the line. A system of phased payments would be a better option and reduce the need to borrow. If borrowing is required it should be agreed as part of PWLB and not a separate system.

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.]

Yes, but note that the question makes an assumption that precludes a fully informed answer. We simply have not enough detail on the new system to give more than an answer in principle, but that is clearly the direction in which to go, subject to proper minimum standards being set to prevent permitted development rights driving standards down.

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.]

Yes, but the system proposed is more likely to reduce the amount built, and probably eliminate it altogether in rural areas. If affordable housing is prioritised, local infrastructure would suffer.

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.]

Neither. It is best left as a percentage requirement of individual schemes.

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. If the rules are properly drawn up, there should be no risk of overpayment. Frankly the approach to this seems badly flawed largely because the whole concept of the new CIL insists that payment whether in cash or kind is not phased but payable at the end. It is difficult therefore to see why overpayment would occur.

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?

It should not be. However, if the Government is hell bent on a flawed system, minimum space, light, design and sustainability would presumably have to be guaranteed at detailed planning stage and enforced. We can foresee considerable litigation as companies are

liquidated or are sold on. The best that can be anticipated is that developers will be minded to minimise the number of affordable houses required.

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

No. It is probably insufficient to cope with the addition of affordable housing to the other infrastructure required, which in any case tends to lag behind. More particularly the road system in East Sussex is inadequate given the traffic with which it has to cope.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement people are.]

The question does not arise in the light of previous answers.

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?

Disadvantaged people are likely to find even fewer affordable houses than now if these proposals go through. The housing shortage has been mis-characterised as a planning problem and many aspects of the proposals are likely to allow the system to be gamed. The paradoxical truth is that free markets are best for consumers, but that most of the worst enemies of markets are to be found amongst producers of one kind or another. Hence the need for careful system design and sound regulation.