



The Civic Society for Milton Keynes

PLANNING FOR THE FUTURE

**A Response to
the Government's White Paper**

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Milton Keynes Forum is a member of Civic Voice

INTRODUCTION

Milton Keynes Forum (established 1987) is the Civic Society for Milton Keynes and the surrounding area. We are pleased to be members of Civic Voice.

We feel that any changes to the planning system needs to be assessed against the contribution they make to resolving the wider crises the country faces.

These can be summarised as follows:

THE PRINCIPAL CRISES

CLIMATE CHANGE

We are in a climate emergency and are beginning to experience the effects of climate change. It is referred to several times in the text of *Planning For The Future* but is not seen as a central requirement of the planning system. The challenge we face (net zero carbon by 2050, twenty years too late by some current assessments of the rapidly changing climate) can only be achieved by restructuring our cities, towns, and rural areas. New development is not good news for climate change: not only does it create additional demand for energy when the development is in use, it also embodies the energy it needs for its construction.

Thus, for example, those areas anticipating large levels of growth (of which the land surrounding Milton Keynes will presumably be one) will have to make an appropriate contribution to achieving this goal. Although new housing is a small part of the housing stock (840,000 in the 5 years to 2017 out of total stock of about 24 million in England), new dwellings could be required not only to achieve net zero carbon, but also for example be generators of electricity to the grid.

This approach requires, for example, completed developments being closely monitored by the planning system, which would have an essential role in ensuring that the commitments made at the approval stage are met.

BIODIVERSITY

We are also living through a crisis in biodiversity. We continue to create an increasingly hostile environment for all living species. This ranges from insect life to the largest mammals. It is not a crisis merely for Africa or the Brazilian rainforests: it is on our doorstep, for example, with the decline of previously common birds, mammals and insects.

To avoid the mass extinction of species, we need to restructure both rural and urban areas to protect, improve and enlarge generic habitats such as woodland, meadows, marshland and clean rivers as well as specialised habitats for species most at risk.

For example, new development generally badly affects a range of habitats, undermining the survival of some species and reducing populations of many others. In addition, our management of agricultural land puts pressure on wildlife. Thus, when new housing is brought forward, it might be a requirement that say an equivalent of 50% of the land to be built over be dedicated to the enhancement and extension of habitats in these areas. Habitats for Biodiversity Action Plan species as well as Protected Species in each locality would have to be the priority. Improved links to a continuous network of wildlife corridors would have to be provided, even if agriculture is increasingly managed in a way that makes it more wildlife friendly.

To extract ourselves from the crisis in biodiversity will require land use policies enforceable by the planning system that implements quickly the protection, improvement and enlargement of habitats, both in rural areas as well as in existing, extended and new settlements.

POLLUTION

We live in a world we have polluted. The air we breathe, the rivers we swim in, the seas we fish from, everywhere is polluted. The construction industry is a major contributor to pollution. We have created cycles of production and consumption that do not have built into them the requirement to capture the pollution they create, rather we accept products that discharge waste into the environment.

Thus we may have irreversibly polluted seas and waterways with plastic that is found almost everywhere, decaying slowly into smaller and smaller pieces, to be engorged by fish and people; we do not understand the long term effects on the health of living species.

The planning system will have to ensure that land use policies are in place which allow for the capture of all pollution before it leaks into the environment. For example, the exemption for water companies to dump raw sewage into rivers when their sewage works are overwhelmed by storm water, (much abused) should be withdrawn and systems put in place to ensure all our rivers are clean.

CORONAVIRUS

We need to plan for the creation of resilient settlements, both existing and new, which can accommodate emergencies arising from these crises. For example, Copenhagen requires all developments make some contribution towards mitigating the rise in water levels due to climate change.

The most immediate emergency is the coronavirus, which in six months has changed, perhaps irreversibly, our way of life: others will probably follow. The long-term implications of the virus are not clear at the moment as so little is known about it, but it may remain a recurring threat, in which case the planning system will have to sanction alterations to our existing and proposed building stock. For example, pavements have already been altered; places of assembly may have to be reconfigured to create well ventilated spaces. The impact on our listed building stock is unknown but the planning system may well have to accept alterations that at present it would not entertain.

OTHER CRISES

HOUSING MARKET

Since 1945, whenever the number of council houses being built was reduced, the private sector was unable to fill the gap and national housebuilding targets were not met. If the country needs say 300,000 houses to be built every year, then council or other publicly funded housing, must be built. They should of course be integrated into housing with different forms of tenure.

The planning system would have an active role in permitting the development of new housing. Although this does not guarantee quality, the quantity of houses needed might be achieved.

Developers not only sit on land that could be developed immediately, the quality of their developments is too often very poor, with the pervasive use of standard house types. They are neither beautiful nor cheap. There needs to be a stronger framework for private developers to work within. Design guides are only useful if they are interpreted well: our local experience is that they do not prevent poor development happening.

The planning system has an essential role in developing land use policies that ensure high standards of site specific design and thus the supply of high quality homes. It will need the powers and resources to oblige private developers to build their permitted developments within an agreed timescale or face sanctions.

LAND OWNERSHIP

Our response to the crises in biodiversity and climate change will be greatly influenced by the actions of a small minority, about 5% of the population, that owns about 95% of the land area of England (figures to be checked: the weakness of the remit of the Land Registry and the use of a range of financial vehicles by landowners makes it extremely difficult, unlike in other developed countries, to quantify who has a controlling interest in land across the United Kingdom.)

Large landowners have a disproportionate influence on land-use policies. In order to protect their holdings, they encourage development on land that is peripheral to them, but where different areas might be of greater interest to the planning system.

Their land management has a substantial impact on climate change and biodiversity. How they react to further interference by the state in the ways in which they manage and develop their landholdings will have a considerable influence on our response to the crises we face. The planning system has to face up to this powerful minority.

CENTRALISATION ON LONDON

As the financial markets have increasingly dominated the management of the British economy, floorspace and therefore the number of jobs in the City has significantly increased, especially since the Big Bang in 1983. London has become a very desirable place in which to live and work, both nationally and internationally.

This increase in employment in the City and its surroundings has put immense pressure on the public infrastructure, especially public transport. House prices have increased, leading to longer journeys to work especially for the lower paid, on whom so many of our public and private services depend. The private rental sector, which has an increasing share of the housing market, has led to reduced standards of housing.

The decentralisation of jobs to successful northern cities has been minimal relative to the challenge. The planning system should support national objectives embedded in a rolling national plan that reconciles competing interests, rather than responding to arbitrary initiatives, such as bidding to have a garden city in their locality.

Somehow, the planning system has to be used for the moving of jobs out of London and the South East. If it does not come up with successful strategies, commuting distances will increase and the standard of private rental housing will deteriorate still further.

The planning system has an essential role in preparing and implementing these policies.

TRANSPORT AND MOVEMENT

Transport and movement has been problematic for many years and needs a long term investment and improvement plan. Once again, a road building programme has been launched. HS2 is going ahead and, although cycle routes have been introduced, they are fragmented and built to varying standards. The pedestrian is treated as a nuisance, not the priority user of the movement corridors. Yet the reduction in pollution following the lockdown in response to the coronavirus was noticed and appreciated. This pollution was in large part caused by vehicles. It showed that pollution free cities without excessive vehicle movements creates public space for pedestrians that is transformational.

Through the planning system, movement around existing and new settlements must be integrated and thus reduce the impact of vehicles (all vehicles, including electric cars, pollute and have embedded energy: the cost of their environmental impact should be reflected in the price paid for them).

QUALITY

Most new developments are designed to low standards, with harsh spaces externally, poor streetscapes, and generally small dwellings. This comes from an industry that claims to know what

the consumer wants. If more choice was available, with well-considered architecture, the developers would be shown not to have a monopoly of understanding consumer aspirations. But this would require intervention through the planning system in the development industry. It would be part of the process of raising standards of new developments. The system would need to have the expertise to judge the quality of design and the powers to refuse proposals on design grounds only.

PACE OF DEVELOPMENT

There is a widespread perception that housing developers build at a rate to suit themselves (and thereby maximise their profits) rather than meeting the actual needs of the local housing market. This can then produce a subsequent knock-on with arguments about whether or not there is a Five Year Land Supply and, potentially lead to additional planning approvals in less sustainable locations.

There is a mettle to be grasped about how to ensure that developers cannot exploit the issue of land supply to their own ends.

HOW THE PLANNING SYSTEM SHOULD RESPOND TO THESE CHALLENGES

MORE CREATIVE PLANNING NOT LESS

We live in a complex society where many decisions are taken by the planning authorities in response to market forces. Instead of our social and economic framework being largely determined by the market, we have to intervene more and begin to shape the planning framework in response to people's needs and the needs of the planet. A rolling national plan would help resolve the many contradictions and conflicts that exist around our policy making. The German and French models, both of which have larger economies than ours, have policies of national planning and citizen involvement that deserve to be studied with a view to the United Kingdom developing its own national planning framework.

CREATING THE SPATIAL CONTEXT

The development of a spatial context within which national planning should be taking place brings the planning system in conflict with the minority who own most of the British economy including the land. The current market led approach leaves power in the hands of the landowner, selling options to develop to the highest bidder. Thus the value of land is determined by mysterious market forces: the landowner benefits at the expense of the homeowner.

The spatial context should not be determined by the whims of the market and large landowners, but should be shaped by national and local needs, without landowners being able to profiteer from the vagaries of their landholding: there is no mechanism in place to avoid this.

PUBLIC ENGAGEMENT

As planning has become increasingly a development control function, where proposals are assessed against planning policies in the form of complex texts, the role of creative, drawing based, planning has largely disappeared from local authorities and the wider public sector. Design guides have replaced master planning. Although there is no lack of interest in planning when it effects a locality, people discover rapidly that they are at the end of a long process about which they had limited understanding, and that their involvement will only shape minor rather than fundamental aspects of any proposals. Thus public engagement is often mere window dressing. The planning system has a significant role to play in developing appropriate and creative forms of public engagement.

RESOURCES

As the assault on the planning system has intensified, planners have had to face more and more pressure to resolve planning applications. The ability of planners to negotiate with developers concerning proposals that suit the local context, improve the physical environment, and meet the needs of climate change and biodiversity, has reduced and thus leads to a drop in the quality of the much-restricted decision-making.

COMMENTS UPON PLANNING FOR THE FUTURE

The White Paper offers no coherent analysis of the crises we face and what the proposed planning system will offer to national and local policies to resolve these crises. With this in mind, we respond below to the individual proposals made within *Planning For The Future*.

As a general point we are concerned that there are no specific proposals relating to climate change, biodiversity and transport integration.

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**.*

We do not support this. The proposal is too broad brush and does not recognise the fine grain, particularly established open spaces within areas that are already developed and, we presume, come under the category of "Renewal Areas". As proposed, the White Paper would give the green light to the potential eradication of all green urban spaces.

The proposals for Growth Areas, which would presumably include the future expansion areas of Milton Keynes, do not have sufficient community involvement, which would be at the Local Plan stage. Most people would not engage at that stage and so would be shut out of the discussion.

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

We support the alternative option to permit local authorities to set their own policies.

PROPOSAL 3..... *Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing test of soundness.*

There should be more emphasis on transport when considering sustainability: cross-border co-operation is particularly important for transport (which is now the largest CO₂ emitting sector in the UK). It is vital that properly integrated transport strategies are developed that stretch across Local Authority boundaries to include Combined Authority, Metropolitan and Travel to Work areas.

Whilst we understand current concerns about the effectiveness of the "Duty to Co-Operate" Local Authority boundaries are often historic and, to a certain extent, arbitrary and do not necessarily relate to the current locations for employment, housing or services. We face our own particular problems in Milton Keynes because the borders of our urban area abut the rural fringes of three adjoining Local Authorities at some distance from their own centres of population. As a consequence, we are seen as a "dumping ground" for development without the ability to influence it to the extent that we could if it were within our own LA boundary.

If there is not to be a strong duty to co-operate, there should be a simple way to reflect such situations and allow boundaries to be redrawn whilst they still relate to open fields so that the new residents will wholly feel a part of the urban area in which they will live and (usually) work.

PROPOSAL 4..... *A standard method for establishing housing requirement figures which ensures 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.*

We support the Government's ambition to tackle the housing crisis. However, we believe the real crisis is about providing more genuinely affordable and social housing as a proportion of the new housing coming forward rather than arbitrarily increasing figures. The problem that should be

addressed by the White Paper, but is not, is that of land-banking.

We do not believe that there is a shortage of land available for housing. On the contrary, we believe that there **is** sufficient land but that developers control the release to ensure that house prices (and, therefore, profits) are maximized. There should be a mechanism to incentivise developers to build within agreed timescales, possibly through the taxation of unbuilt "development" land

We cannot support the proposed standard method as we are concerned that it will not provide the right homes in the right places: the overreliance on affordability in the calculation will lead to perverse outcomes in the figures for some local authorities and we are not convinced it will provide the certainty or level of housing delivery the Government wishes to see.

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

Not supported. There is a need for public consultation on developments within Growth Areas as there will not be sufficient detail available at the Local Plan stage. It is therefore essential that developments within Growth Areas go through a planning process that enables the local community and its councillors to have some involvement.

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

Supported in principle. However, the use of technology depends upon two particular factors: i) There should be an onus upon applicants to provide documents of a size that are readily downloadable and readable by private individuals in their own homes. Too often we see (on large applications) Design and Access Statements of an unnecessarily large file size; ii) There should be a requirement upon Local Authorities to have an IT system that is fit for purpose and which can be readily accessed by members of the public.

The Government needs to provide extra funding to Local Authorities for the technology that will be required and to make access available via Libraries and other community resources for those who do not possess the necessary technology themselves.

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

Supported. However, whilst there is an understandable need to embrace new technology it should be appreciated that not everyone has ready access to the internet, for all sorts of reasons. "Notices on lamp posts" and in local papers (p18) may be antiquated but they provide a useful catch-all for those who do not want to spend large proportions of their lives scanning planning application websites. Digitisation increases knowledge for many people but it must be remembered that it cannot encompass everyone.

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.*

Local Authorities need to be properly resourced to fulfil this function. However, we do not think that the timescales proposed (30 months to create a Local Plan) will provide sufficient time for public consultation and public involvement in a Local Plan Public Inquiry.

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.*

Supported.

PROPOSAL 10..... *A stronger emphasis upon build out through planning.*

Supported. There should be a method by which failure to follow an agreed programme should be penalised in some manner. *Planning For The Future* offers great benefits to developers and landowners in simplifying the planning system but this should not be a single sided arrangement - there should be a greater commitment to ensuring build-out to a realistic programme with appropriate penalties when this is not met. We do not see any proposals within the White Paper that address this important point and recognise the need for an appropriate sanction for non-performance. See also our response to Proposal 4 above.

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.*

Supported, however we do not think that the proposals go far enough. The scope of Design Codes should be expanded beyond matters of design to become Development Codes and provide a proper structure plan for the subject area which would also encompass

- the boundaries of each individual development parcel,
- the proposed tenure (sale, rent etc), for each development parcel
- the preferred development method for each development parcel (developer/custom build/self-build)
- indicative price range for each development parcel
- identification of, and permanent management arrangements for, the management of any open space that is to be used by members of the general public.
- the overall development programme for the site/roads

In short, the landowner should provide sufficient information to enable all parties (especially the local residents) to understand how the site in question will be developed and over what period. The landowner should be responsible for updating such information upon an annual basis but, notwithstanding this, there should be a formal review mechanism on a timescale appropriate to the size of the subject development to ensure that the principles of the Code are being fully implemented. We have a concern that, in the wrong hands, Codes could be used as an excuse for poor development and there must be a mechanism to ensure that this does not happen.

We believe that the Government should learn from experience in the New Towns, such as Milton Keynes, where public bodies were able to control the release of fully serviced land to ensure a variety of site sizes and tenures to cater for all sectors of the market from volume housebuilders to small, regional builders, housing associations and those wishing to undertake custom build.

Development Codes could be a powerful tool in the development of land and would build upon a proven, successful formula. The proposed reforms within *Building For The Future* offer significant advantages to landowners through a reformed planning system. However, this should be a two-way process and the use of Development Codes would be a way of rebalancing the scales so that the community in its widest sense can understand the development that is being planned and hold developers to account for their actions.

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 provable locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.*

Supported.

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.*

We firmly believe that the public sector should lead the way in commissioning fine designs.

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.*

Supported.

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.*

Supported.

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.*

Supported.

PROPOSAL 17..... *Conserving and enhancing our historic buildings and areas in the 21st century.*

Supported - however the Government should change its financial policies so that VAT is not chargeable upon repairs to Listed Buildings.

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

Supported - however the Government should change its financial priorities to ensure that repairs to buildings are not chargeable for VAT. At present there is a ridiculous situation, which we have witnessed in Milton Keynes, where there is a financial incentive for buildings to be torn down rather than refurbished because of the differing VAT regimes.

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.*

Supported, except that it should be universally applied to avoid landowners "gaming the system" to avoid payment at the margins. The tax should ensure that landowners cannot gain by delaying development. The CIL must ensure that some funding is made available for local facilities from all developments.

PROPOSAL 20..... *The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.*

Supported.

PROPOSAL 21..... *The reformed Infrastructure Levy should deliver affordable housing provision.*

Supported.

PROPOSAL 22..... *More freedom could be given to local authorities over how they spend the Infrastructure Levy.*

Supported in principle but, every year, Councils should produce an annual programme of Council wide works to be funded from CIL to ensure that money is not inappropriately "siphoned off" from the local area.

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.*

We are greatly concerned that the profession of a Local Authority Planner is in decline. The White Paper should not cause further emasculation.

PROPOSAL 24..... *We will seek to strengthen enforcement powers and sanctions.*

Supported. We are concerned at the amount of time that Local Councils spend chasing breaches of consent - particularly minor ones which cause especial angst to residential neighbours. There should be a mechanism whereby a proven breach of a planning consent, unless rectified within a given period, should be subject to a statutory fine (that is collected via Council Tax?)