



The countryside charity Kent

Planning for the Future

Response by CPRE Kent

October 2020

Introduction

CPRE Kent is the largest of the individual branches of the CPRE Network, representing some 2,250 members, of whom over 180 are Parish Councils or amenity associations.

CPRE Kent fully supports the “OneCPRE” Response to this consultation and wishes to make the following additional comments, from the perspective of the effect of the proposals set out in this consultation document on the Kent countryside, an effect which we believe would be severely detrimental.

Pillar One

Overview: Questions 1-4

1. One of the key problems with the current planning system is that it is **under-resourced**, as local planning authorities are unable to afford sufficient suitably qualified and experienced staff to manage the demands they face for plan-making, guidance, review of applications, protection of the environment and heritage and many other issues associated with the planning system. The demands placed on LPAs are rendered **unsustainable** by the constantly-moving targets and requirements placed upon them by central government, undermining their ability to have an up-to-date local plan in force, leaving LPAs prey to an avalanche of speculative applications and communities without the measure of predictability that such a plan provides. Finally, the planning system is **democratic**, providing local communities and their elected representatives to exercise as measure of control over growth and development in their areas.

2. As an organisation dedicated to the protection of the Kent countryside, engagement with the planning system is at the core of our work. We employ professional planners to work with our volunteers throughout the County to review draft local plans and planning applications and threats to the countryside, co-operate with local groups concerned with developments affecting their communities and, where necessary, hold LPAs to account for poor decisions or poor process.

3. LPAs ceasing to send letters to owners of properties potentially affected by planning applications has left a gap which is only partly filled by site notices (which remain important as a means of drawing the attention of local people to proposed developments) and existing online services provided by LPAs. More extensive and tailored systems for individuals and organisations to receive notice of planning matters which may affect them are needed. Far better means of engaging local communities from the start of each local planmaking cycle are an urgent priority.

4. Our three top priorities are **protecting the environment in all its many aspects, improving the supply of affordable rural housing and sustaining vibrant rural communities.**

Proposal 1: Simplifying Local Plans

5. We do not agree with this proposal. Zoning as very briefly described in the White Paper does not appear to be a realistic or effective way of simplifying local plans. It will not make any easier the intrinsically complex site-by-site analysis which will always be necessary to ensure that development happens where it will do most good, cause the least environmental harm and contribute to creating beautiful and sustainable places for people to live and work in.

We support measures to encourage sustainable development on brownfield sites, of which there is an abundance as *The State of Brownfield 2020* makes clear. This should be a key priority of any reforms to the present planning system. “Protected Zones”, as described in the White Paper, appear to be nothing of the kind, merely areas in which the current planning rules will continue to apply. They would need to be better protected, if development is to be concentrated within designated growth or regeneration zones. Indeed, better protection for the countryside, both within and without protected areas, such as National Parks and AONBs, and Green Belts, is urgently needed. We support the commitment given by the Prime Minister to increase the UK’s protected areas to 30% of the country by 2030 and wish to see protected areas in Kent benefit from this national policy.

Proposal 2: national development policies

6. We do not agree with this proposal. The NPPF can be no more than a framework. No set of national policies can embrace the variety and complexity of circumstances in each different LPA area. Kent alone contains enormous variety in geology, landscape, water resources, settlement patterns, building styles, environmental constraints and demands for growth. LPAs, with their unique understanding of their areas, must retain the ability to set the detailed development policies which are best suited to the needs and characteristics of their areas.

Proposal 3: Single Sustainable Development Test

7. We support the concept that sustainable development should be at the heart of the planmaking process. We agree that the duty to co-operate is not working well at present as, despite the efforts made by LPAs to consult their neighbours, two local plans in West Kent, those for Sevenoaks and Tonbridge & Malling, are held up over issues on the duty to cooperate identified by the respective Inspectors. However, effective cooperation between neighbouring LPAs over major developments remains essential, as they so frequently have cross-border effects. Examples in Kent include the proposed Otterpool New Town in Folkestone & Hythe, which has significant implications for Ashford, a proposed new town at Lenham Heath in Maidstone, which would also affect Ashford, and a new town mooted for Capel Parish in Tunbridge Wells would arguably have an even greater impact on Tonbridge & Malling.

The retention of a deliverability test would represent a continuing burden of uncertainty for LPAs, because delivery of the development envisaged by a local plan will remain in the hands of developers, responding to market demand in order to optimise profits. LPAs have no levers of control over the rate of building of permitted developments and none are provided by the White Paper. Take Ebbsfleet New Town as an example, where most of the planning permissions for the various phases of this were in place by 2008. Of the 15,000 homes planned (to 2035), only about 2,000 have been built so far and the associated infrastructure has been slow to materialise.

Proposal 4: Standard Method for Housing Numbers

8. We fundamentally disagree with this proposal and have little to add to what national CPRE have said in their response and in the recent responses by national CPRE and ourselves to *Changes to the Current Planning System*. This proposal, if implemented, would devastate the Kent countryside, including but not limited to its AONBs and other protected areas, as well as its Metropolitan Green Belt. The people of Kent deserve better than this ill-thought out, top down approach.

Proposal 5: Automatic Outline Planning Permission in Growth Areas

9. We disagree with this proposal. Whatever planmaking system is adopted, LPAs and local communities need to be able to engage fully not just in the allocation of a site for development, but also in the details of the development to be built, which can have such serious implications for local services, infrastructure, transport, access to the countryside, biodiversity and sense of place. Without this, public acceptance of the planning system would be put seriously at risk. We also disagree with the proposal to bring major new settlement proposals forward under the NSIP regime, because they are best controlled by the relevant LPA(s). The planning system is an example of local democracy at work and we regard this as, in principle, a virtue to be preserved by any reforms.

Proposal 6: Faster Decision-making

10. Planning decisions should be made as quickly and efficiently as is consistent with due consideration of all relevant circumstances and effective consultation with local communities and other interested parties. Speed must not come at the expense of rigour or thoroughness, nor must the interests of local communities be sacrificed to an unrealistic timetable. Development has the capacity to cause permanent, irreversible harm in many ways, all of which must be considered properly before permission is granted.

Proposal 7: Digital Local Plans

11. We agree that there is scope for better use of technology to make plans (and, indeed, planning applications) more accessible, easier to search and more understandable. We think that LPAs should be encouraged and resourced to move forward together in this area. We do not, however, think this has particular implications for the nature of the planning process, but rather how well it works and is understood.

Proposal 8: A statutory timetable for local plans

12. The length of time taken by LPAs in some cases to adopt local plans is regrettable, in view of the harm that can be caused by speculative development permitted when no up-to-date plan is in place. However, delays are not always of the LPAs' own making. In recent years, delays have often been caused by the government changing housebuilding targets or other requirements in the course of the preparation and adoption of the local plan. Local plans are intrinsically complex and have big impacts on local communities, who must be given adequate opportunities to understand and comment on the plan as it develops. Current opportunities are barely adequate and we would oppose any curtailment of them.

Proposal 9: Neighbourhood Plans

13. We support neighbourhood plans and agree that they should be retained in the planning system. We believe that they should continue to be permitted to contain spatial planning policies, so that local communities have a real say in the growth of their towns and villages. We also believe that LPAs should be required to support the neighbourhood planning process more effectively, so that the community can see that the enormous, voluntary effort made is worthwhile. Too often, LPAs appear to hold up draft neighbourhood plans and then, through the local plan-making process, appear to deliver a *fait accompli* which makes all the community's effort appear nugatory.

Proposal 10: Improving Delivery

14. We agree that slow delivery is a key problem with the current system and that there should be stronger incentives on developers to build out permission. We see nothing in the White Paper that would improve this situation materially. Shortage of planning permissions is demonstrably not slowing down the building of new, private-sector homes. As market demand is not delivering the rate of housebuilding which the government considers necessary in order to provide an adequate housing supply, we think that ultimately public investment in housing would be the most effective stimulant.

Pillar Two

Overview

15. The design of larger housing developments in Kent has generally been mediocre at best. The developers have tended to provide standardised housing designs, which pay insufficient regard to local building characteristics and traditions. Such estates typically take the form of a network of branching cul-de-sacs, which do little to connect the new residents to the existing community – they are insufficiently permeable – as well as undermining the coherence of existing settlement patterns.

16. Our priorities for sustainable development certainly include building homes with greater energy efficiency. Current building standards are inadequate and developers have no incentive to go further than they are obliged to. We were horrified to learn recently that there is now no builder in Kent who can construct a home to Passivhaus standards. Promoting energy efficiency in existing homes, including those of traditional, non-cavity wall construction, is an equally urgent priority in the fight to mitigate climate change. The

protection of biodiversity, mitigation of environmental harm and providing access to green spaces are also key priorities for us.

Proposal 11: Design Guides

17. We believe that there is a role for design guides in the planning process, but what is good design in any case is intrinsically site-specific. What is good design in one place would be very poor design in another, even within a given locality. Kent, for example, contains a jigsaw of different landscapes, settlement patterns and building traditions, all of which need to be taken into account in the design of any new development. Even where local design guides have been produced (for example, that for the High Weald AONB), LPAs have been reluctant to adopt them as supplementary planning documents. We would see the function of national design guides as limited to matters of minimum standards. What would be completely unacceptable would be the entrenchment of volume builders' standard pattern books, to be rolled out indiscriminately across the country.

Proposal 12: National Design Body and Chief Design Officers

18. We doubt the value of creating a national body to support design coding and building better places, in view of the local nature of the considerations that determine good design and placemaking. We agree that LPAs should have the resources to promote good design and place-making and LPAs in Kent already have officers whose responsibilities include these matters. We think it unduly prescriptive to insist that each LPA should deal with these issues by creating the role of chief officer for design and place-making and do not consider that such an officer should have the power to overrule the decisions of elected councillors.

Proposal 13: Objectives of Homes England

19. We agree that the government should consider how design might be given greater emphasis in the strategic objectives of Homes England.

Proposal 14: A fast-track for beauty

20. We support the principle of incentivising developers to build beautiful places. We think that an amendment to the NPPF to give an advantage to developments which comply with local design guides, adopted by LPAs, is worthy of consideration. We also see merit in LPAs being able to co-ordinate development in designed growth areas, or sites allocated for major development, through a master-planning process. We do not, however, see merit in a national "pattern-book" approach, which would give rise to permitted development rights.

Proposals 15-18: Effective Stewardship and Enhancement of our Natural and historic Environment

21. Proposals 15 & 16: We support the headline objectives of these four proposals, on which no consultation questions are posed and on which little detail is provided. It is right that the planning system should play an effective role in mitigating climate change and maximising environmental benefits. It may be that there is a simpler way of assessing environmental impacts, but there is no question of the importance of doing this thoroughly. We note that a further consultation on the subject is planned for the autumn.

22. Proposal 17: We support the protection provided by the planning system to heritage assets, including listed buildings and scheduled monuments, listed parks and gardens, non-listed heritage assets and protected areas such as conservation areas. Indeed, we have a specialist committee, the Kent Historic Buildings Committee, dedicated to the task of assessing threats to such heritage assets in the County. Improving the energy efficiency of historic buildings, while maintaining their historic and architectural interest is a sensitive matter. Requiring local plans to identify all such assets and matters associated with them is a formidable task, hardly compatible with a simpler and quicker approach to plan-making. Kent alone has over 20,000 listed buildings. We would suggest that these matters are worthy of a separate, dedicated consultation.

23. Proposal 18: Improving the energy efficiency of buildings is, we agree, a key priority in mitigating climate change, for which ambitious targets should be set.

Pillar Three

Proposals 19 - 22: reforming and extending CIL

We endorse and support the response made by national CPRE in this regard. It remains our concern that the provision of affordable housing risks being squeezed out in favour of other financial commitments, and that permitted development rights can bypass the requirement for developer contributions toward affordable housing. We therefore strongly support the widening of the scope of the infrastructure levy to capture contributions from change of use through permitted development rights.

Proposals 23 - 24: Resources and skills strategy/enforcement

We endorse and support the response made by national CPRE. It is difficult to see that diverting receipts from the infrastructure levy to other council services could be beneficial. Investment should be directed towards social housing which remains genuinely affordable in perpetuity.