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Monks Orchard Residents'
Association (Planning)

5th October 2020

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planningforthefuture@communities.gov.uk

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“Planning for the Future”

Dear Sir/Madam

Please accept this response to your consultation – “Planning for the Future”.

Name **Derek C Ritson - I Eng. M.I.E.T.**
Organisation **Monks Orchard Residents' Association (MORA)**
Position **Executive Committee Member with responsibility for Planning**
Email planning@mo-ra.co

“Planning for the Future” proposals and questions in ‘orange text’:

MORA Comments in ‘blue text’.

Proposals:

First, we will streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this:

- 1 **Streamlining the Planning process could be interpreted to mean less specific planning laws! Or more “weasel words” to specify vague and subjective policies. This would NOT be helpful and should be resisted.**
 - a. **There are fundamental required parameters of planning policies whether defined at National or Local Level to ensure at least minimal accommodation standards are maintained based upon:**
 - i. **The size of the proposed development, number of bed-spaces (occupants) per site area (in hectares);**
 - ii. **The Gross Internal Area (GIA) of a proposal for the size and type of dwelling and number of occupants;**
 - iii. **The amount of in-built storage space (volume in m³) based upon size of development and requirement of the number of occupants;**
 - iv. **The availability of Amenity Space & Communal Open Space afforded for the future occupants (National agreed standard - minimum area per occupant).**

- v. The required (current and forecast) Public Transport Accessibility necessary to support the proposed development (in terms of the Residential Density in bed spaces per site area in hectares for a given setting and accessibility).
 - vi. The local Design Code (specification) and local character (Character Assessment) for the individual localities. (The cell size of the Design Code and Character Assessment needs to be defined);
 - vii. The availability of play spaces for children for flatted developments or HMOs based upon the likely number of children per development (child bed-spaces) and play space (in m²) per child (National Standard) needs to be defined;
 - viii. The availability of 'Communal Open Space' based upon area (in m²) for the number of occupants in terms of bed-spaces of the development;
 - ix. The limits of intrusion and overbearing affecting adjacent dwellings (45° Horizontal & Vertical Rule);
 - x. The loss of daylight and sunlight to surrounding and adjacent existing dwellings as a result of a development.
- b. How will greater democracy be managed?
- i. How will moving the definition of planning policies further away from local planning authorities (LPAs) increase local democratic accountability?
 - ii. There have been attempts to increase local democracy in local plan making but this has been a box ticking exercise and no account has been taken of submissions offered.
 - iii. Our local authority has had a 'Governance Review' which has been very critical of the Local Planning Authority. ^[1]
 - iv. Croydon LPA Governance Review (Planning):
 - **Recommendation 9:**

Ensure the decision-making structure fully supports participation by creating more purposeful opportunities for non-Cabinet Members and residents to consider and influence planned decisions before they are taken. Specifically, the Council should enhance the existing Leader and Cabinet model by strengthening the collective Cabinet, establishing the hybrid arrangements which introduce Cabinet Member Advisory Committees, appropriately revising the scheme of delegation and ensuring the necessary changes are reflected within the Constitution.

[1] <https://www.croydon.gov.uk/democracy/dande/governance-review>

- **Recommendation 10:**

Improve the effectiveness of Council meetings by reaching across-party agreement on desired changes, underpinned by consideration of the principles and proposals set out in the Governance Review report.

- **Recommendation 11:**

Recognising public dissatisfaction with Planning seek to enhance understanding of the planning process by:

- Considering recommendations detailed in the PAS report and ensuring those form a key part of the Planning Committee's journey to improve resident experience when engaging with planning;
- Developing more proactive, cross-party working in the area of policy discussion, setting and revision.

Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data. We will:

Local Plans should be subject to a single statutory "Sustainable Development" test, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.

- a) What are the "unnecessary assessments and requirements" that cause delay and will abolishing them leave gaps in policy definitions? We suspect this is just another *wheeze* to simplify planning law for the benefit of developers, creating less onerous planning policies for developers!
- b) The "Single Statutory Sustainable Development Test" will need to be specifically defined to meet all scenarios as currently the 'sustainability' definition is too vague and subjective to be enforced or which could withstand a challenge.
- c) If policies are vaguely defined, they could not be enforced and would therefore be unhelpful as any interpretation would be subjective.
- d) If the proposed policies are limited to an 'undefined' interpretation of "sustainability" they would not be adequately defined to sustain a challenge, so would become obsolete and void as 'National Planning Policies'.
- e) Policies should be specific and adequately defined to ensure compliance such that if a proposed development is non-compliant the application should be capable of a refusal and withstanding a legal challenge.
- f) If compliance with all the relevant policies has been achieved in an application, there would be no reason to delay an 'approval' decision.
- g) The only reason that results in current delays is the possible variability of interpretation of policies as they are inadequately defined and allow a

subjective interpretation which allows debate whether acceptable or otherwise. Such inconclusive compliance results in delays and any refusal could not be upheld if legally challenged.

Third, to bring a new focus on design and sustainability, we will:

Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, by ensuring the National Policy Framework target those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.

- a) The policy needs to consider and evaluate the local possible effects of climate change policy and any additional effects resulting on the implementation of a development proposal on the local area relating to the effects of climate change.

Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions. We propose:

- a) The CIL from all recent developments in our locality has not been spent locally to improve the Local Infrastructure to meet the requirements of the increased local Residential Density of Redevelopments and in-fill developments.
- b) The Local Planning Authority (LPA) decide where the CIL is spent.

Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres, we propose:

- a) LPAs have already identified brownfield areas ^[2] of land suitable for developments, so how will the National Policy identify additional land which is suitable for developments?
- b) LPAs know their areas in more detail than is possible for the NPPF to be able to compile the whole country's land availability for development.
- c) What criteria will the NPPF define to ensure ALL appropriate available land is suitably designated?

Questions:

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

Cumbersome, Ineffective, Ignored ^[3].

- 1) Cumbersome – As there is duplication (sometimes contradictory) between the NPPF, The London Plan and the Local Plan;
- 2) Ineffective – As the LPA Local Plans are vague and subjective allowing different interpretation by case officers and case officers can pick and choose which policies to be quoted and to observe and which to ignore;

[2] LPA Brownfield Site Registers.

[3] See: <http://www.mo-ra.co/planning/planning-complaints/>

- 3) **Ignored** – As if a policy is considered inappropriate the LPA just ignores it and approves the proposals to meet housing targets.
- 2(a). Do you get involved with planning decisions in your local area? [Yes / No]
- a) Yes.
 - b) But our comments and contributions are always ignored by our LPA.
- 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]
- a) n/a.
3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]
- a) How will it be made easier to access plans and contribute to planning decisions?
 - b) Are planning policies to be more lenient (i.e. less onerous or less specific for developers)?
 - c) If the plans are digitalised, will they use open sourced software so Residents and Residents' Associations can view the digitalised plans?
 - d) How can it be guaranteed that ours (and our residents) views are actually considered for both National and Local policy definition and will it be just another 'box ticking' exercise?
 - e) Will government prepare and publish an "Impact Assessment" and "Cost Benefit Study" for the introduction of this major change to Planning Policies procedure, prior to implementation?
 - f) These "National Policies" must be "deliverable" and therefore require detailed definition such that applicants are fully aware of the required policies and that an application which is non-compliant can be identified and refused on grounds of non-compliance to the specific National Policy and a refusal could sustain any legal challenge.
 - g) Will the plans adequately take into consideration effects on the environment and on wildlife, and how would these policies be defined? On what criteria and parameters would environmental and wildlife aspects be specified and defined?
 - h) A major concern is just who is drawing up this new plan and what are the required qualifications they need to ensure the policies are appropriate, quantifiable and enforceable for all Local Planning Authority areas?
 - i) Will contributions from the charities, who are most involved in the protection of the environment and wildlife, such as the "Wildlife Trust" and "RSPB" just to name two, be involved in specifying the policies?

- j) Boris Johnson talks about the “public regaining trust in the planning process,” but we don't see how you build that trust when you live in an area where local planners have run rough-shod over the views of residents [4] [5] - and that is obviously not just here in our locality, but all over the country. The only way to build any trust at all is to understand the planning policies, who has written those policies and what their credentials are, to know that the views and expertise of relevant experts (not developers) have been taken on board and that the policies are adequately defined and will be enforced.
- k) Local residents are giving up commenting or objecting on proposed developments as their comments are always ‘IGNORED’! They feel it is a total waste of their time preparing objections and commenting if their objections are just IGNORED.
- l) Informed by Email: planning@mo-ra.co

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].

- 1) Ensure new developments have adequate ‘Supporting Infrastructure’ for “Sustainable Developments” appropriate to the proposed ‘Residential Densities’ [6] prior to approval – including: Public Transport Accessibility, School places, GP Surgeries etc (as measured in population per required facility or appropriate distance from a required facility).
- 2) All proposals meet or exceed Minimum Accommodation Space Standards based on Nationally Defined and Specified Requirements. (Why should Space Standards be different in different LPAs?).
- 3) Retain Open Green Spaces and Local Parks, (as measured in green spaces in hectares/1000 population served or a similar parameter). Retain the local character with surrounding buildings and dwellings. Protection of ‘High Streets’ – Permitted Developments rights should be reconsidered.

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*.

[4] See Croydon Governance Review at:

<https://www.croydon.gov.uk/sites/default/files/Croydon%20Council%20Governance%20Review%20Enhancing%20Democracy%20March%202020%20main%20re....pdf>

[5] See references and notes for item 1 above.

[6] It is Residents’ that require infrastructure – NOT habitable rooms.

- a) What are the specific parameters and definitions required to define and differentiate between these three types of Land Designations – ('Growth', 'Renewal' & 'Protected') – as without detailed guidance each planning authority (LPA) and their Case Officers will subjectively define their own interpretation of the Land Type Designations which would undermine the Nation Policy.
- b) The "Growth" Areas deemed suitable for "substantial" development MUST have adequate supporting infrastructure to support the developments and high-density occupation, prior to any significant development approval.
- c) How is the Supporting Infrastructure to be measured or ascertained? There needs to be a quantifiable methodology to ascertain the required infrastructure necessary for developments prior to approval.
- d) Similarly, for "Renewal" areas, the Local Infrastructure must be capable of supporting any re-developments or in-fill developments, prior to approvals; specially to support 'cumulative developments' proposals in a locality.
- e) For London (Inner and Outer London Boroughs) Transport for London (TfL) have provided the TfL WebCAT to assist planners define appropriate Densities to meet the local Public Transport Accessibility Level (PTAL) within 100m x 100m physical cells and in relation to the 'setting' (suburban, Urban & Central) across London (Inner & Outer London Boroughs) which provides guidance for appropriate Residential & Housing Densities of proposed developments within those physical cells. This helpful information should be embodied in the Design Code and Character Assessment determination for all localities.
- f) Other conurbation Public Transport Providers should engage in a similar exercise to provide planners with the commensurate Public Transport Accessibility design information for their localities – based upon similar cell sizes.
- g) What would be the acceptable Residential Densities (ranges) for dwellings in each of the "Growth" and "Renewal" designated category areas, as measured in Bed-Spaces per hectare as related to the different Public Transport Accessibility Levels and local 'settings' (Design Codes and Character Assessments)?
- h) What would be the required Public Transport Accessibility to support the Residential and Housing Densities of proposed developments in both the "Growth" and "Renewal" designated areas (or their sub designations) in relation to the local 'setting'?
- i) The emerging London Plan suggests Incremental Intensification should be limited to areas of PTALs 3 and above and within 800m of a Train (*or Tram*) Station or Town Centre boundary. This has been assessed on the basis that PTALs lower than 3 could not support new developments without an increase in Public Transport Capacity to reduce car dependency.

- j) What would be the specific parameters to define the criteria for each of the Designated Areas?
- k) How large (cell sizes) or group of cells would a “Design Code” or “Character Assessment” cover?
- l) “Protected” area designations should include Residential Gardens being partitioned for rear garden developments. Limitations and protections should be defined for any rear garden development to include at least a minimum area and length of retained garden for the host property and the new development, access requirements to any rear garden development for emergency vehicles and prevention of overlooking (separation distance) and privacy to adjacent gardens and dwellings including the host dwelling. There should also be a requirement to replace any lost trees or vegetation environmental habitat.
- m) How would these designated areas and limitation requirements be subject to Local Residents’ consultation if defined at National level?

Question 5.

Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

- a) Not sure - but this would be at the expense of greater definition and clarity of Nation Planning Guidance. Your (NPPF) proposals need clarification and definition as without such, they could be interpreted differently by each Local Planning Authority (LPA) if there are no quantifiable parameters specified at National Level to define the appropriate guidance necessary to ensure enforceable compliance.
- b) How can local communities’ engagement on the definition and interpretation of National Policies be managed and enforced, and once enforced how can the local communities’ and Residents’ Associations views be constructively considered at National Level?
- c) How would public engagement be funded?

Proposal 2:

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

- a) Not sure – but again your proposals require detailed clarification and definition as weasel words would be subjectively interpreted by LPAs if without adequate specification and guidance to ensure enforceable compliance.
- b) LPAs would all interpret the policies differently if inadequately defined at National Level.

Question 6.

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

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

- a) Not sure – Again your general Development Management proposals require detailed clarification and definition to be deliverable, as weasel words would be subjectively interpreted by different LPAs and Case Officers if without adequate specification and guidance which would negate the objective of National Policies.
- b) Greater Community Involvement and access to minutes of any pre-planning meetings between developers and the LPA. (How will this be achieved if the policies are defined at National Level?)
- c) Case officers' reports and recommendations of all planning determinations should be published for public assessment in order to ensure justification of any deviation from adopted policies are available for public assessment.
- d) LPAs and Case Officers would all interpret the policies differently if inadequately defined and specified at National Level defeating the object of National definition of policy.
- e) The National Planning Policy should define what should be included in the Local Plans and what should be defined in the National Policies to ensure that policies are NOT duplicated or contradicted.

Proposal 3:

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

“This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained. ...”

- a) Paragraph 8 of the NPPF 2018/19 gives ‘undefined objectives’ which are fine as undefined objectives but do NOT provide sufficient guidance to be enforceable National Planning Policies. They are just “weasel words” which are subjective to various levels of interpretation by LPAs or Case Officers. Vis:
 - ◆ Achieving Sustainable Development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - ◆ an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - ◆ a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that

reflect current and future needs and support communities' health, social and cultural well-being; and

- ◆ **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- **There is NO definition for any of these 'objectives' and therefore case officers and LPAs can place their own interpretation, whether or not an application meets these 'objectives' and there is no method to challenge their interpretation – therefore these objectives are meaningless and lack definition for challenge or legal enforcement.**
- b) These are just vague subjective objectives – they **DO NOT** define policies which could withstand a challenge. Policies need to be specific and definable to give adequate guidance and if a proposal is clearly non-compliant, can be refused on those grounds and withstand any legal challenge made by the applicant.
- c) The criterion for the definition of “sustainability” should provide quantifiable parameters which **MUST** be met for “Sustainable Developments” to be allowed, otherwise the sustainability can be interpreted to mean different criteria as defined by Case Officers or the LPA which defeats the objective of a “National” Planning Policy.
- d) Examples of “Sustainable Development” parameters should include:
 - ◆ Adequate, acceptable quantified and defined accessibility to Public Transport (existing & planned) ^[7] to help reduce car usage.
 - ◆ Within acceptable defined max and min ranges of Residential Density recognising the existing and planned Public Transport Accessibility based upon the Setting, Design Code and Character Assessment of the locality;
 - ◆ Adequate and acceptable defined and quantified accessibility to school places (existing & planned);
 - ◆ Increased requirement for green energy for heating and supply defined in 'rating' per size of development and number of occupants.
 - ◆ Provision of an appropriate output power (Kw hrs) of solar panels for various sizes of dwellings and daylight variability for the size of dwelling (bedrooms/bed-spaces per dwelling).
 - ◆ Provision of specified power delivery (kw/hr) for electric charging points for each or proportion of vehicle parking bays;

[7] As measured methodology by Transport for London in their published WebCAT document:
<https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat>

- ◆ Access to high speed broadband defined in Minimum Acceptable Bandwidth per development;
- ◆ Consideration of specified flood defences and mitigation of effects of susceptibility to local flooding and effects of climate change (defined by acceptable distances from Environment Agency Surface Water and Flood Map Categories and local water table depths, and soil (type) infiltration properties);
- ◆ Accessibility to Health Service Provision, GP Surgeries and Hospitals (existing & planned either distance from dwelling or number of patients on the GP's register etc); ^[8]
- ◆ All as measured per number of populations served (e.g. per 1000 population or minimum distance from a facility with capacity to accommodate occupants' requirements of a new development);
- ◆ Acceptable Residential Density (measured in bed spaces/hectare of a development proposal for each designated area Design Code and Character Assessment and setting type);
- ◆ Acceptable Housing Density (measured in units/hectare for each designated area type, Design Code and Character Assessment).
- ◆ The effect of a development on the daylight and sunlight afforded to adjacent existing dwellings (BRE requirements).
- ◆ The effect of a proposed development on the amenity of adjacent properties (45 Degree horizontal and vertical projection rules intersecting a neighbour's dwelling).
- ◆ Acceptable off-street parking provision for the number of occupants.
- ◆ Wheelchair accessibility for disabled occupants and secure storage for cycles and secure storage and charging points for Mobility Scooters.
- ◆ Will these be defined at National or Local Level?

Question 7:

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?

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

- a) Not sure - but only if adequately defined to ensure local LPAs and case officers are NOT able to subjectively interpret the policies – negating the objective of the National Policies.

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

[8] As measured in requirement for 1000 population or distance/travelling time from a proposed development.

- a) If a designated area extended over another Local Authority Area, the affected LPAs should ensure co-operation to agree the appropriate designations. If agreement cannot be reached, some mechanism of arbitration should be set up to take over responsibility to determine the designation. The members of such an arbitrating body should not be members of either affected Local Authority so being entirely independent in their decision-making process.
- b) If the boundaries of designated areas are restricted to the Ward(s) of adjacent LPAs, and the designation area bridges into another LPA's Ward(s), agreement of the total area designation could be between the Councillors of each LPA (with local consultation) representing those Wards and agreeing the designation which would save time and money of the agreement process. It would only require arbitration if there were disagreement between the adjacent Ward Councillors (this would not be so simple if the area to be designated is defined by "Place" across more than one LPA boundary as there is no defined democratic accountability for "Place" area definitions).

Proposal 4:

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

- a) Housing Targets and Area Designations should relate to "Wards" and not some abstract area such as "Place", such that the elected Councillor/Councillors representing those "Wards" become more accountable to the residents of those "Wards" for defining and negotiating the Area Designations and Targets.
- b) As "Place" Design Guides and Character Assessments do not reflect the "Ward" boundaries, the Local Councillors representing those Wards don't feel they have a responsibility to engage with the "Spatial Planning Teams" in the definition of the "Design Codes" or "Character Assessment" for their (Ward) constituents.
- c) Development of localities are NOT under control of an LPA. Development proposals are put before LPAs by developers. The LPAs have NO control over when and where developers' proposals relate to in the local community – so targets are unrelated to quantifiable developers' proposals.
- d) Targets over an extended period of years should be given a yearly quota of approvals and once reached, new applications should be delayed and added to the next year's quota for that Ward as a first choice in order of applications in the following year to be assessed. Otherwise what is the point of defining targets if they are exceeded year-on-year?

- e) We have the opposite problem that housing yearly targets in our area are regularly exceeded in each and subsequent years and the cumulative effect on residential density and Sustainability to Public Transport Accessibility is NOT considered, nor is the required other Service Infrastructure considered to support those Cumulative Developments.
- f) It is unacceptable for LPAs to ignore planning policies based on the requirement to meet housing need when the yearly quoted target has already been reached and/or exceeded.
- g) Councils do NOT have control of provision of Supporting Infrastructure so mechanisms need to be established to forward plan provision of the required Infrastructure with the individual Infrastructure Service Providers, to support various estimates of new developments as currently this is NOT under control of an LPA.
- h) Targets are defined “per Place” and not “per Ward”, which gives rise to exceeded targets as there is no Ward monitoring, thus, the Ward Councillors do not have a democratic accountable responsibility for managing or challenging the “Place” targets – the targets become void and ineffective and new development proposals are determined in the order of receipt of applications from developers totally unrelated to the set targets.
- i) LPAs have no control over the rate of applications received from Applicants or Developers.
- j) What is the purpose of targets if once reached and exceeded there is no mechanism of restricting the presentation of additional applications from developers? The process just becomes a box ticking exercise when a target is actually reached and exceeded or otherwise.

Question 8:

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. Please provide supporting statement.]

- a) Yes – with the proviso that they are within the yearly target for that location and they meet ALL the Design Parameters and “Design Code” criteria as outlined above.

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.]

- a) No, definitely not – affordability (or pricing) is a function of the acceptability and benefits of the locality, the character of the locality and Local Land Value.
- b) Low affordability i.e. cheap design or inferior quality and lowering of the “Design Code” criteria, which reduces the character of an area should be prevented by the detailed specification and Design Criteria of the area Design Codes and Area

Character Assessment for that specific locality.

- c) Development proposals should respect the area Design Code and Character Assessment of the locality and the Residential Densities for that area including a requirement to take account of the available and planned Supporting Infrastructure. To allow a development proposal which diminishes and degrades the Character of an area or is not supported by existing or Planned Infrastructure, should be resisted.
- d) If, as a result of COVID-19, people are going to be working from home more then there will be plenty of existing vacant office space available to convert to homes, especially if this is the way people will be working more in the future. There might be more opportunities opening up for this new type of housing instead of demolition of existing homes and building on back garden land. These office redevelopments should be given priority over demolition of existing homes. (see [f] below).
- e) Demolition of single-level homes (Bungalows) should be resisted because of the future demographic need of these kinds of homes for the elderly and disabled (of which there might be more due to the coronavirus long-term health effects).
- f) Conversion of office space into homes should meet ALL the Planning Policies for New Dwellings including accommodation standards, amenity standards, open space standards, in-built storage space and communal open space standards with play spaces for children as defined above.

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

Proposal 5:

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

- a) No – DEFINITELY NOT - local consultation should still be allowed irrespective of local area Designation. No application should be given automatic approval or outline planning approval without scrutiny of the plans or proposals to meet required planning obligations and policies.
- b) Who would check that an Application Proposal met all Planning Policies if it were automatically granted permission? – who would check that a proposal met the 'Design Codes' or 'Character Assessments' if proposals were automatically granted outline approval? this would result in a gradual degradation of developments as developers are really only interested in the profit that can be made on a development.
- c) What would be the point of a local plan if proposals were granted automatic approval whatever proposal was put before the LPA, whether it met the Local Plan or totally disregarded the Local Plan as it could get approved without any scrutiny?

- d) To remove local area consultation for Outline Planning Consent or LPA determination against planning policies would open up the planning process to bribery and corruption when significant sums of finance are at stake.
- e) All applications should be subject to 'Professional Determination' against the adopted National and Local Planning Policies; to do otherwise is opening the door to future slums and deprived areas as a developer's main objective is to make as much profit from a site as possible irrespective of planning policies.
- f) To automatically grant approvals or outline planning consent would be removing Natural Justice, when it is already impossible to challenge an approval – other than by Judicial Review (applicants can appeal a refusal but local residents or Residents' Associations cannot appeal an approval; and there are limitations on Complaints Procedure when escalating Complaints to the Local Government Ombudsman (LGO)^[9]).
- g) The current complaints process is totally flawed as council LPAs assume that policies are “advisory” and can be ignored in order to meet housing need and targets. Escalation of complaints to the Local Government Ombudsman by a Residents' Association are NOT investigated unless supported and consented by affected local residents^[10].
- h) If the affected local resident(s) are living in rented accommodation they are likely to be very apprehensive of giving their support to a complaint against their landlord's planning application.

Question 9:

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.]

- a) NO DEFINITELY NOT – unnecessary – removing LPA and elected representation (Councillors) from the responsibility and democratic accountability to challenge proposed developments, would be open to bribery and corruption of case officers.
- b) To automatically grant approval would be removing natural justice, when it is already impossible to challenge an approval – other than by Judicial Review. (applicants can appeal a refusal but local residents or Residents' Associations cannot appeal an approval). A Judicial Review only considers “processes” and NOT compliance to planning “Policies”!

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.]

- a) No – same reason as above (9a) unnecessary – removing LPA and elected representation (Councillors) from the responsibility and democratic accountability.
- b) Would be open to bribery and corruption.

[9] See: <http://www.mo-ra.co/planning/planning-complaints/>

[10] See: <http://www.mo-ra.co/planning/planning-complaints/>

- c) Undemocratic.
- d) To automatically grant approval would be removing natural justice, when it is already impossible to challenge an approval – other than by Judicial Review. (applicants can appeal a refusal but local residents or Residents' Associations cannot appeal an approval determination).

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.]

- a) No – unnecessary – it would be removing the LPA and elected representation (Councillors) from the responsibility and the democratic accountability.
- b) Would be open to bribery and corruption.
- c) Undemocratic.
- d) To automatically grant approval would be removing natural justice, when it is already impossible to challenge an approval – other than by Judicial Review. (applicants can appeal a refusal but local residents or Residents' Associations cannot appeal an approval).
- e) Approvals can be virtually guaranteed if applicants ensure their applications meet ALL appropriate agreed and adopted planning policies.

Proposal 6:

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

- a) How much faster? – define!
- b) Has a “Cost Benefit” study or “Impact Assessment” of these proposals been undertaken and made public?
- c) If applicants follow the guidance to the letter (if adequately defined) then they can be virtually certain of an approval – so, give reasons why preferential treatment could be appropriate or required?
- d) Most current applications are determined within the target deadline (prior to Covid-19 pandemic).
- e) It is agreed that realistic deadlines should be the target – but limited by available LPA resources which are finite and limited.
- f) Digital technology should be open sourced and publicly available, especially for local Residents' Associations.

Question 10:

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

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

- a) No. Delays in availability of new dwellings are due to developers' build-out delays – not delays in approval of planning permissions.

- b) How much faster? – define!
- c) Planning Committees should be politically balanced to ensure unbiased decision-making process. It would be beneficial if an LPA had area committees representing the actual localities (“Wards” or group of “Wards”) for applications so as to give some democratic accountability (for local Ward Councillors) to the decision-making process.
- d) If applicants follow the guidance policies to the letter then they can be virtually certain of an approval – why is a preferential treatment appropriate or required?
- e) The current system provides most decisions within the prescribed target times (prior to the Coronavirus pandemic) so in reality what are you trying to achieve?
- f) Agreed that realistic deadlines should be the target – but limited by available LPA resources which are finite and limited.
- g) Digital technology should be open sourced software and publicly available, especially for local Residents’ Associations.

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

Proposal 7:

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

- a) Will the software be open sourced?
- b) Will the map-based software be available to Residents’ Associations?
- c) What will the new templates consist of?

Question 11

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

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

- a) Yes – Fully accessible to the public and Residents’ Associations.

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.

- a) Yes – there should also be a Statutory Requirement for public consultation.
- b) How would that work for National defined policies?
- c) Also, there should be an “Appeal Procedure” for affected Residents or Residents’ Associations on behalf of Residents, if an approval ignores current agreed and adopted National and Local Planning Policies as:
 - There is no mechanism to appeal an approval other than by Judicial Review (for which residents and the RAs cannot afford the probable costs) and that does not cover compliance to policies, only procedures.

- The complaints process against an LPA is flawed as although it can escalate to the Local Government Ombudsman (LGO), the LGO will only investigate complaints made by an affected local resident (with their signed and witnessed consent) and will not investigate complaints by a local Residents' Association unless supported by an affected resident's consent. Residents' Associations cannot take a complaint relating to non-compliance to planning policies affecting a locality, to the LGO.
- As the LGO will only investigate complaints supported by local affected residents, a Residents' Association cannot engage the LGO when an LPA ignores planning policy, detrimental to a local area but not specific to individual residents.
- Individual Local Residents, although affected by an inappropriate approval, might not be aware of the specifics of planning policy whereas a local Residents' Association could have a dedicated member, fully appreciative of all planning policies appropriate to a development, but the Local Government Ombudsman will NOT consider a complaint from the Residents' Association. Thus, the Local Residents' Association cannot represent their local residents or hold the LPA to account!
- The affected Local Resident could be a renter and therefore be very apprehensive of making a formal complaint against their Landlord.

see: <http://www.mo-ra.co/planning/planning-complaints/>

20-22 The Glade. The LPA totally ignored Planning Policy.

LGO refused to investigate the complaint as local residents would not give consent as the occupiers were Tenants rather than owner occupiers, and they were apprehensive about complaints against their landlord!

(It was a result of this failure we started to make a record of our formal complaints to the LPA & LGO.)^[11]

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.]

- a) Yes – this 30-month period should also include a statutory requirement for Public Consultation.

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.

- a) Neighbourhood Plans could 'fill in the detail' of local plans, defining Local Design Code Parameters for each neighbourhood locality or smaller cells for greater clarity of Local Character.

[11] See <http://www.mo-ra.co/planning/planning-complaints/>

- b) The neighbourhood plans should build on and clarify Local Plans (Not contradict those plans) to ensure local issues are evaluated prior to a determination.
- c) The digital tools should use Open Sourced Software – RAs should have access to these digital tools at least.

Question 13(a):

Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

- a) Yes. Neighbourhood Plans could fill in the detail of local plans, defining Local Design Code Parameters for each neighbourhood locality for greater clarity of Local Character. The neighbourhood plans should build on and clarify any ambiguity of the Local Plans to ensure local issues are evaluated prior to a determination.
- b) They will be a necessary part of the planning process to assist in determining local factors, such as Public Transport Availability and definition of “Design Codes” for their locality.

Question 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?

- a) Provide guidance modules for the structure of neighbourhood plans and guidance on allowable parameter definitions to support neighbourhood plans which enhance but not contradict the Local Plans.

Proposal 10:

A stronger emphasis on build out through planning

- a) Phased developments with completion deadlines.
- b) Financial Penalty Clauses should be included in the approval “conditions” of all developments on failure to meet identified phased build-out deadlines.
- c) Application approvals to be time-limited so upon expiry a new application would need to be submitted.
- d) Improved Compulsory Purchase Legislation.
- e) LPAs should set monitoring targets and reporting milestones to provide early warning of possible failure to meet build-out target dates.

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.]

- a) Yes.
- b) More LPA monitoring of build-out progress of projects with regular inputs from developers.

- c) LPAs to define or require developers to provide project plans of their development approvals to identify the Major Milestones of the Project.
- d) A definition of the difference between major and minor developments to be provided at National Level so all developers know the difference; not variable between different LPAs.
- e) Planning approvals should be time limited so that developers do not sit on approvals or hold back development for increased profits due to inflation or market fluctuations.
- f) Greater emphasis on helping and facilitating “Self-Build” homes.
- g) Self-Builds are often better-quality builds as greater care is taken in the quality of development for their future family homes so should be encouraged with financial incentives given to encourage more people to do take on this responsibility.
- h) Self-Builds are more likely to be family homes so more family homes can be built with less focus on “flats” which are just for developers’ profit.
- i) Self-Builds are more likely to be more individually styled, instead of the typical developer – creating homes that all look the same.
- j) Self-builds could be exempt from CIL as a financial incentive.

Question 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]

- a) Recent local development approvals have been Ugly and poorly designed - Extremely over developed (for the supporting infrastructure) and unattractive in-fill and re-development of Windfall Sites inappropriate for the locality with increased Density for the available and Planned Infrastructure (Public Transport Accessibility) as defined by Transport for London.
- b) Re-development of single dwellings with gardens, for demolition of single dwellings and erection of blocks of flats of up to 9 dwellings to avoid percentage of affordable dwellings (affordable % if proposal is for 10 dwellings and above).
- c) Developments exceeded the set dwelling units’ targets for the local “Place” as no monitoring of development targets against election Ward Boundaries.
- d) Targets not monitored against Wards but “Places” unaccountable by specific elected local Ward Councillors.
- e) No guidance on designated areas’ Densities in relation to the available supporting Infrastructure such as Public Transport Accessibility etc.
- f) Parking places inadequate for the number of occupants of a development and swept paths for ingress and egress show extreme difficulty in actually parking or exiting in a forward gear across footpath into the roadway. Applicants should provide swept paths for all parking bays – assuming all spaces are full.
- g) Inadequate sight lines when exiting – no turning head for exiting in a forward gear.

- h) Inadequate amenity open space or communal (policy undefined) open space afforded for future residents or Play Spaces for children for flats. Builds are crammed into available site area for maximum profit irrespective of local character.
- i) Inadequate accommodation standards or internal in-built storage space for the size of dwellings.
- j) Inadequate private open communal amenity space (currently undefined per occupant).
- k) Overcrowding of adjacent dwellings and failure of the 45° Degree Horizontal and Vertical Rules - but given permission regardless.
- l) Do not follow planning policies as the local plans are considered “advisory” or make “weak” excuses to ignore the policies.
- m) All new flatted developments tend to look the same, with similar designs. Not much individuality. Frontage dominated by parking bays. Very little in the way of trees and foliage to perform dual function of softening the appearance of the parking and soak up rainwater from the concreted parking.
- n) Inadequate electric charging points for electric vehicles.

Question 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]

- a) First priority – to ensure Residential Density is appropriate for the supporting existing and planned infrastructure for Sustainable Developments.
- b) Second priority – to respect the character of the area (Design Codes and Character Assessment).
- c) Third priority – to meet all Minimum Accommodation Standards (or exceed them if possible) and meet the 45-degree horizontal & vertical rules.
- d) Fourth priority – to have adequate amenity space (and for flats, to have a defined communal open space per resident (measured in bed-spaces per site area in hectares for each development) and defined play space area for children of the future occupants (calculated on the likely child bed spaces per development).
- e) Fifth priority - Adequate local open space as measured by population per area of publicly accessible open space (as measured by Ward population against available public open space (e.g. number of hectares per 1000 population).
- f) Sixth priority – adequate off-street parking per dwelling with ingress and egress by straight forward manoeuvre; swept path diagrams to always be provided with the application drawings showing sight lines at the access over foot paths onto the highway. To ensure that there is adequate space for vehicles to exit in a forward gear by provision of a turning head or space to manoeuvre the vehicle to exit the development in a forward gear.

- g) Seventh priority – to ensure proposed development does not exacerbate the probability of local area flooding.
- h) Eighth priority – to ensure planting of new trees for all developments to replace those lost.
- i) Ninth priority – to ensure all new homes are sufficiently equipped for green energy – solar panels, electric vehicle charging points or access to a charging station/external charging point (dependent on the size of the development (bedrooms and bed spaces).
- j) Tenth priority – to disallow application which exacerbates potential for local flooding and disallow development proposal that are sunk into the ground, below the normal ground level, in order to meet local height limitations.

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.

- a) What are the parameters required to specify a design code for a locality?
- b) What size cell would be appropriate for 'Design Guides' and 'Character Assessment' reference and what would the parameter definitions include (e.g. Public Transport Accessibility, School Places Accessibility, Health Service Facilities Availability etc.)?
- c) Design guidance and Design Codes need to be specified in quantifiable criteria. Descriptive objectives definition by “weasel” words are subject to variable interpretations by Case Officers and across the various Local Planning Authorities.
- d) Design guidance characteristics should relate to the appropriate designations and boundaries illustrated on the policies map of the designated areas.
- e) Community involvement needs to be effective and honoured – not just a box ticking exercise.

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.]

- a) Not sure – as specific detail of definition not defined.
- b) What are the parameters to define a “Design Code” or “Character Assessment” such that the code is quantifiable in every respect and not subjective to interpretation by case officers?
- c) What are the defining parameters of “Character Assessment” which can be used for Assessment to be quantified and not subject to various interpretations by case officers?
- d) Design guides and codes need to be specific and quantifiable and not abstract definitions which can be interpreted subjectively by decision makers.

- e) Design codes should also be drafted to ensure clarity of understanding to avoid misinterpretation by decision makers.

Proposal 12:

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

- a) The body with responsibility to support the delivery of provable local-popular Design Codes should have a responsibility to engage with local representatives and Residents' Associations in order to garner Local Residents support and improve confidence in the Planning Process.
- b) The definition of Places should be relative to the Wards of a Local authority not some abstract area defined by Character as local elected Councillors do not represent a "Place" as defined by local character, they represent a "Ward".
- c) "Wards" can have various Design Codes and Character Assessments within their Ward areas and therefore the 'Ward' Councillors can represent their constituents on these definitions and characteristics. Elected Councillors can then engage with their local communities to represent the local "Ward" residents.
- d) A "Place" embracing a multi-Ward area does NOT have an independent or democratic interface to Elected Representatives for its Residents or Residents' Associations.
- e) The Electoral Commission has gone to great lengths and expense to define Ward boundaries and Local Planning Authorities are ignoring these boundaries and defining another group of abstract areas as "Places" - Why? It breaks the link between Elected Representatives and their Residents.
- f) We have found that our local Ward Councillors do not get involved in debate about the "Place" definitions which affect our locality.

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.].

- a) Not sure – the requirement is to ensure commonality of definition across National Policy.
- b) Places should relate to Wards to allow Ward Councillors to provide the democratic link between Spatial Planning Officers and the Public.

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.

- a) What will be the "mission" statement of "Homes England"?
- b) Define 'beautiful' (*subjective objective gives rise to a meaningless definition for delivery*).

- c) The objective should be for homes to meet at least minimum defined space and amenity standards for future occupiers at an appropriate Residential Density for the supporting and planned local Infrastructure.
- d) The Design Codes and Features should respect the character of the locality as defined by a specific methodology or defined criteria such that the design codes cannot be subjectively determined and open to interpretation.

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.]

- a) Yes – but only if the parameters of the design codes are specified in detail and are of fully understood criteria.
- b) The strategic objectives should ensure new builds meet good design requirements, to equal or better than minimum space standards, with adequate room sizes, adequate amenity space and adequate off-street parking provision.
- c) Any back-land development (accessible between existing dwellings) should have adequate accessibility for large vehicles, including Pantechnicons (for furniture delivery) and any emergency vehicles, with an adequate turning head to enable exiting in a forward gear. A minimum width and length of access driveway with turning head and designed to accommodate Pantechnicons and emergency vehicles should be defined, with appropriate sight lines.
- d) Swept path diagrams should also be provided with any application for back-land or re-development proposals. These Issues are currently dealt with by “Building Control” after approval and thus after it is too late to rectify. (Building Control should be under the Authority of Development Management – Planning and have early intervention on planning decisions).
- e) Building control should be included in the decision-making process to ensure the consideration of these issues are discussed prior to a decision being made.

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.

- a) Local developers tend to require high profit from a site area, at the expense of beauty (undefinable) and standards, so application proposals are to minimum space that is allowable with little or no amenity space, parking space or communal open space or play space for children and which disregards overbearing nature to adjacent existing dwellings.

Question 20:

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

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

- a) No – beauty is in the eye of the beholder – and is undefinable as a requirement or specification.

- b) How do you define “beauty” which has an enforceable parameter? Too subjective!
- how do you quantify it?
- c) Any definition which is subjective is not acceptable as not adequately defined for enforcement or could withstand a legal challenge as a National Policy definition.

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.

- a) How? This sounds a reasonable objective, but objectives are not specifications of policies.
- b) Protection of Local Parks.
- c) The NPPF should be more specific in its definitions of policy such that non-compliance could be challenged or refused.
- d) Have you assessed the implications on LPAs Development Management and Spatial Planning Staffing Levels?
- e) Abstract definitions allow LPAs to subjectively interpret policy negating the objective of a National Policy.

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.

- a) These are objectives – not supported by definitions.
- b) Quicker and simpler should not allow clarity of definition to be diminished.
- c) The brevity of requirements should not allow negation of clear and precise definitions of policy.

Proposal 17:

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

- a) Yes agreed. (our History should be preserved for future generations for both positive and negative informative historical education).
- b) How do you intend to define the “historic” category of a building?
- c) What are the defined requirements of a building to qualify for “Historic” or “Heritage” status?

Proposal 18:

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

- a) Agreed.
- b) With no overall increase or minimal increase in dwelling purchase price.

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].

- a) To ensure that any proposed development has existing or planned infrastructure to support a proposed development.
- b) Better infrastructure to meet the needs of future occupants, including Public Transport Accessibility, school places, health provision etc.
- c) Residential Density appropriate for the locality and for Sustainable Developments. Mechanisms and policies to define acceptability or unacceptability.
- d) Maintain the commensurate public open space as measured in bed-spaces per hectare, for maintaining the character of the locality for health and well-being of occupants.
- e) Meet accepted accommodation space standards.
- f) Relationship with the adjacent existing dwellings.

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.

- a) No – The Community infrastructure levy (CIL) should be spent in the locality of the proposed development (to improve the local infrastructure) and be calculated on a valuation of the locality (locality valuation of character assessment and public services availability).

Question 22:

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.]

- a) Not sure
- b) Reason; that land and development values vary according to locality.
- c) Community Infrastructure Levy (CIL) should be proportionate to a local valuation. (locality character assessment and public services availability).

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]

- a) Set locally as a percentage appropriate to local land and development values.
- b) Local valuations would allow competition on charges as if set too high, developers would avoid the locality in competition with adjacent authorities (lower CIL charges)

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.]

- a) Not sure. Set charges allows complacency of planning authorities to just accept the charges as a function of developments as another input financial stream and not allow any competitiveness between authorities.
- b) Reason; should not substantially increase selling price of dwellings to potential purchasers.
- c) Local planning authorities (LPAs would assume CIL is just another financial input stream with no accountability and no competitive pricing).

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.]

- a) Not sure.
- b) Reason; whether borrowing against this finance is a potential liability on council finances which could be a problem for future years for Council Tax payers.

Proposal 20:

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

- a) Permitted Development rights have resulted in a degradation of approved built forms which destroys the character of an area.
- b) Just another financial input stream with no accountability.

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.]

- a) Permitted Development rights have resulted in a degradation of approved build forms which destroys the character of an area.
- b) Permitted developments are too lax and should be reviewed. (undemocratic).
- c) Permitted development rules are too lax and allow inappropriate developments and the deterioration of local character.

Proposal 21:

The reformed Infrastructure Levy should deliver affordable housing provision.

- a) No.
- b) Should provide improvements in infrastructure for the proposed development locality commensurate with the potential increase in population afforded by the proposed development.
- c) Would be interpreted as another uncompetitive financial input stream with no incentive for use of the funding to be used for local infrastructure.
- d) Would simply add to the bottom-line profits for the council.

Question 24:

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.]

- a) No.
- b) CIL should provide funding for improvements in infrastructure for the proposed development locality commensurate with the potential increase in population afforded by that proposed development.

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.]

- a) No - not appropriate.

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.]

- a) Not sure.

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.]

- a) Not sure.

Proposal 22:

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

- a) No.
- b) They have that freedom at the moment and the funds are never spent in the locality affected by the developer/applicant providing the CIL.

Question 25:

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

- a) No.
- b) They have that freedom at the moment and the funds are never spent in the locality affected by the development.

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

- a) n/a.

Proposal 23:

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

- a) Accepted.

Proposal 24:

We will seek to strengthen enforcement powers and sanctions.

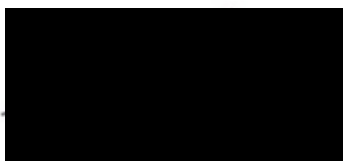
- a) **Accepted.**

Question 26:

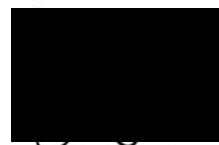
Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

- a) **All our views have been listed in the foregoing submission.**
- b) **The provisions of Section 149 of the Equalities Act 2010 should be honoured throughout the new Planning Proposals.**

————— end —————



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