Response to:

Planning White Paper Consultation

Introduction

We are extremely concerned at how the Planning White Paper appears to be almost completely divorced from any consideration of transport and climate change. User emissions from surface transport are responsible for 24% of all greenhouse gas emissions in the UK[1]. If construction and other emissions were included, the total would be even greater. Most of this is from road transport, so any new planning system that seeks to address climate change, it needs to prioritise minimising transport emissions.

Planning is fundamental to determining how people move around and access the goods and services they need. Done badly, as is happening too often at present, it fuels car use, air pollution and climate change[2]. Done well, it could reduce the need to travel, increase levels of active travel, deliver good public transport services and low car use. Unfortunately, the odds are stacked against the latter with current planning policy and guidance and these proposals do nothing to address this.

If we are going to tackle climate change and a host of other negative issues facing society such as air pollution, obesity, mental health issues, social isolation, underfunding of the NHS, we need to use planning as a force for good. We need it to deliver better public health and a fairer and more equitable society. It cannot do that if its primary focus is housing numbers which seemingly override most other considerations. Neither can it do that while the accessibility of development sites by public transport is largely ignored and delivery of new developments predicated on large and expensive new road infrastructure.

So while we welcome the opportunity to improve the planning system, to make it more accessible and sustainable, unfortunately, the Planning White Paper seems to be headed in the wrong direction.

Our headline issues

What needs to happen:

- Planning should have an overarching purpose to promote sustainable development, including environmental enhancement and improving public health and well-being. It should support the delivery of other government priorities such as to reduce carbon emissions, promote active travel and healthier lifestyles, reduce air pollution, reduce pressure on the NHS, and regenerate town centres and local economies. (The current proposals risk undermining all of these)

[1] Page 21, Reducing UK emissions: Progress Report to Parliament, Committee on Climate Change, June 2020
[2] See Transport for New Homes report, 2018 and Garden Villages and Garden Towns: Visions and Reality, June 2020

- Land allocations must be primarily based on a site having, or being able to have, economically viable, high quality sustainable transport links (not just an occasional bus or a rural train station with few services). The proposed sustainability assessment should make use of the Department for Transport's Journey Time Statistics data to score accessibility. Any location or development scoring below a certain threshold should automatically be refused permission, regardless of other attributes.

- New development should aim to maximise the use of walking, cycling, public transport and shared transport, with provision for car parking minimised and cycle parking maximised. Developers should be required to show that their proposals would help lower carbon emissions from transport and have higher levels of sustainable transport use than existing nearby communities. It should not be enough for them to just install charging points for electric vehicles.

- Planning needs to focus on building communities not just housing to reduce the need to travel, reduce isolation and to build a healthier and happier society.

- Homes England's strategic objectives as set out in their Strategic Plan should include reducing carbon emissions and delivering environmental gain to address the climate and ecological emergencies.

- Active travel should be prioritised in new developments and the requirement should be for walking and cycling infrastructure to be designed in accordance with the Government's new guidance: Local Transport Note LTN 1/20 which disappointingly the White Paper does not mention. In addition, Active Travel England should be a statutory consultee on all major planning applications.

- The process for securing developer contributions should fully capture the increased value of the land to be developed. It should secure the funding for whatever sustainable transport provision is needed to prevent the development becoming car-dependent.

What we are opposed to:

- Oppose the focus on high numbers of housing in rural and semi-rural areas which will drive up car use and carbon emissions.

- Oppose the crude categorisation of land for development which could bring forward or allow unsuitable land allocations and developments without accessibility by sustainable transport being a strong pre-requisite.

- Oppose the loss of people's rights to scrutinise and challenge local developments.

- Oppose larger developments becoming part of a national planning process which would undermine democracy and could force unsuitable developments onto local communities.

Responses to Consultation Questions

Our responses to the questions listed in the consultation questionnaire are listed below:

Question 4: What are your top three priorities for planning in your local area?

Our top three priorities for planning are:

- Tackling climate change and improving biodiversity
- Reducing road traffic
- Improving public health

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

No, we do not agree with the proposals which are too simplistic and risk accelerating more car-based developments at a time when we need to be reducing car dependency. The Rt Hon Grant Shapps MP, Secretary of State for Transport has stated that: "Public transport and active travel will be the natural first choice for our daily activities. We will use our cars less…"[3]. Therefore, planning needs to help deliver, not undermine, this aim. Without sustainable transport accessibility being a critical component of the site designation criteria, these proposals would fail to deliver wider Government policy to the extent that they would actually undermine it.

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?

While we would welcome greater clarity and less repetition in Local Plans, we are concerned that without proper local input, just relying on national policy could be too blunt an instrument. Without greater assurances about the integration of transport with planning, we also would be concerned that this could take us backwards into greater car dependency.

Question 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?

[3] Page 3 (Ministerial Foreword), Decarbonising Transport: Setting the Challenge, March 2020

Greater clarity is needed as to the definition of sustainable development and whether this will include having a strong emphasis on reducing carbon emissions and road traffic. As above, a centrally decided test might be too blunt an instrument, or too high level, to ensure the desired outcomes.

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

We do not support the removal of the duty to cooperate, which is essential for proper strategic spatial planning. If anything, it needs strengthening across a wider geographical area, using city regions as a basis.

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

No, this risks focussing development in rural and semi-rural areas where there is little or no sustainable transport infrastructure and where access to goods and services will be very difficult without a car. This will increase, not reduce, car dependency, consume far more land and undermine Government policy to reduce car use, tackle climate change and improve public health.

Question 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?

No we do not agree with this.

Question 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?

We do not agree with this proposal as currently framed. Unless automatic outline permission is restricted to areas which have been shown to have high sustainable transport accessibility, and any deficiencies in that accessibility would be addressed by the development funding improvements ahead of occupation, we are sceptical that this would deliver sustainable development.

Even then, dividing England into just three categories, would fail to acknowledge local variations and could cause immense harm in allowing or 'fast-tracking' development in the wrong locations.

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

We do not agree with this proposed zoning system.

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

We are opposed to this proposal which would undermine local democracy and accountability. The NSIP process favours big developers with big budgets who can overwhelm objectors with reams of 'evidence' and rebuttals which often add little to the debate and allow the developers to get away without proper scrutiny.

If this were to proceed, Active Travel England would need to become a statutory consultee in this process and be properly funded to enable it to fully engage in these large and very time consuming developments.

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

In principle this sounds like a good idea, but it would need to operate across administrative boundaries and have a wealth of information that can be displayed altogether or individually, a bit like Defra's MAGIC maps but made more user friendly. Too simplistic and the maps would not be useful in informing debate and engaging the public. Without a clear and transparent idea as to what would be included, it is difficult to know whether this would be useful and encourage more people to get involved with planning.

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

Without knowing the basis for this figure it is difficult to say whether it is realistic. However, while we would welcome there being a clearer and more defined timetable for developing a local plan, artificially limiting it to 30 months could be problematic especially if it cuts down on public engagement and reduces local democracy.

Question 16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Our top three priorities for sustainability are:

- Tackling climate change and improving biodiversity
- Reducing road traffic
- Improving public health

These really should be the same answers as for planning (as asked in question 4), otherwise the planning system will not deliver sustainable development.

Question 17: Do you agree with our proposals for improving the production and use of design guides and codes?

We support the use of design guides but these need to go beyond just making a place look 'pretty' or 'beautiful' and must include or require local planning authorities to use a revised Manual for Streets and the latest cycle design guidance LTN1/20 or any subsequent revisions.

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?

This seems like a good idea in principle but it would need to be able to integrate with sustainability objectives.

Question 19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

This is a good idea but it needs to be expanded to include sustainability objectives such as maximising reductions in carbon emissions, reducing traffic and helping deliver public transport and active travel as the natural first choices for local, every day transport.

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

In principle we do not object to this but it does depend how beauty is defined and judged. It would also be essential that beauty was not allowed to override the need for locating development in sustainable locations and prioritising active travel and public transport. It should also not be used to override the need for sufficiently dense development that would reduce the need to travel, reduce car use and ensure that public transport services are economically viable.

Comments on proposals 15 to 18

To enable the National Planning Policy Framework (NPPF) to fulfil the role that is required, the policies on site location and sustainable transport need strengthening so that they become a key factor for refusal in their own right. At present they are undermined by paragraph 109 which states that:

> *Development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Paragraph 110, then starts off by stating:

> *Within this context, applications for development should: …*

Before making some very good statements on the need to prioritise walking and cycling and facilitating access to high quality public transport.

The combined effect of the wording quoted is to effectively undermine the importance of sustainable transport. By diluting its ability to impact on the outcome of the granting of planning permission its importance is undermined and it is taken less seriously by developers and planning authorities alike.

Taking this a stage further, the NPPF also needs to champion traffic reduction and reducing car dependency.

Question 21. When new development happens in your area, what is your priority for what comes with it?

Our priorities for what comes with new development are:

- High quality sustainable transport infrastructure (walking, cycling and public transport) to reduce car use and tackle climate change
- Access to high quality green space - important for mental and physical well-being, as Covid has demonstrated – to help reduce the need to travel and promote public health
- The development needs to create a genuine community, not just a mass of housing or a business park. If it is close to an existing community it needs to be a positive addition, by bringing new and expanded services, not just add to its deficiencies.

Question 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?

Question 22(b): Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Question 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?

Question 22(d): Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Answering these four questions together, we are concerned that this proposal risks reducing the amount provided towards much needed local infrastructure despite the assurances in the White Paper, mainly because it would have a broader scope. This should be set locally to reflect the differing costs in infrastructure provision around the country. Green and sustainable transport infrastructure is already often underprovided for in many new developments and any new system needs to remedy that.

If the new levy can capture a significant proportion of the uplift in land value then it could increase resources available. Ultimately, however, it is essential that whatever method is chosen the infrastructure levy provides far more investment for sustainable transport to reduce carbon emissions and car use.

Regarding allowing local authorities to borrow against the Infrastructure Levy, we would be concerned about this as it would place an extra cost on the local authority, effectively writing down the value of the levy. There would then be a temptation or an incentive for local authorities to not build the necessary infrastructure until after the development was finished and occupied. This would be disastrous for sustainable transport and getting people to change their travel behaviours. People are most receptive to changing habits when they are going through a period of upheaval, such as moving house. If the bus services or cycle tracks aren't in place from the day they move in, they will end up driving everywhere and be less likely to change their habits once established.

Question 23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

We would support this proposal but we would prefer that permitted development rights for office conversions, for example, were withdrawn. Office conversions could be a good way of repopulating city centres and restoring local economies, but they should go through the proper planning process to ensure minimum space standards and that there is proper provision of infrastructure such as cycle parking, pedestrian routes and biodiversity.

Question 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?

Apart from there needs to be a reappraisal as to what 'affordable' actually means, the Infrastructure Levy should deliver more affordable housing than what is currently provided for. Whatever fundraising method is chosen the planning system should allow for a mix of tenures and affordability in all areas and not allow the creation of ghettos, rich or poor.

Ensuring a mix of development types is important so that less well-off households aren't squeezed to the edges of towns and cities where transport costs can be highest and reliance on the car, which they may struggle to afford, is also highest. Ensuring affordable housing is available across a city helps essential workers live nearer their place of work, reducing travel, costs and carbon emissions.

Question 25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Where the levy is spent needs to be linked to addressing issues created by the development but it should not be confined to the development site or its immediate environs. For example, new cycle tracks or bus priority measures may be needed some distance from the site to open up access to it.

Comments on proposals 23 and 24

We support most of these proposals but are concerned as to what is meant by a review of regulations. As we have seen with Grenfell, regulations are there to serve a purpose and when they are watered down, become unclear, or are not properly enforced, things can go very wrong.

Some of the delays that occur in planning are down to developers not coming forward with good plans and resisting making necessary changes. This needs to be addressed. The Government also needs to tackle the practice of developers submitting parallel applications and then appealing one of the applications as soon as the nominal time limit is up. It's not always the fault of the planning authority (the developer might have delayed providing information) that they can't meet the deadline and for large complex applications, the time limits can be meaningless and unhelpful.

Currently, the local community can often feel that the odds are stacked against them in the planning system. In addition to the complexity of planning, it doesn't feel like a level playing field for the public. This is because developers can appeal refusals, but communities cannot appeal inappropriate approvals. If the planning system is to become more open and engage more people then it also needs to be seen as fair or people will quickly give up on it.

However, it is not all about money and powers. It is also about having pride in planning and seeing it as an important public good. If these planning reforms are to succeed, planning needs to be rehabilitated as a profession, not constantly attacked or undermined by vested interests.

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?

If these proposals are taken forward without changing the current focus on housing numbers and car-based developments, then they will perpetuate the discrimination of those without access to a car: predominantly the young, the old, the disabled and the poor[4]. The way to ensure this doesn't happen is to change the NPPF and to place sustainable transport at the heart of planning.

[4] Cycling for everyone: A guide for inclusive cycling in cities and towns, Arup / Sustrans, July 2020 – e.g. see disabled people's lower access to cars on page 29

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Transport Action Network provides free support to people and groups pressing for more sustainable transport in their area and opposing cuts to bus services, damaging road schemes and large unsustainable developments

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