28th October 2020

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

By email to: planningforthefuture@communities.gov.uk

Dear Secretary of State

Planning Aid for London is pleased to be able to respond to your Planning for the Future consultation.

About Planning Aid for London

Planning Aid for London (PAL) is an independent planning aid service for London, which has been providing free advice and training on town planning for individuals and communities in London for over 40 years.

Planning Aid for London provides free and independent town planning advice to those who cannot afford to pay consultancy fees. The aim is to make sure that people are involved in decisions about their local communities. Planning Aid for London's work helps to ensure that the statutory public consultations duties are carried out as effectively as possible.

Planning Aid for London works to help those who feel excluded from the planning system through a combination of its planning aid service, training, workshops, advice and projects which bring innovative solutions to community participation as well as website guidance.

Planning Aid for London is a recognised leader in community participation projects, having helped a wide range of community groups. In the past, our clients have included local authorities, educational establishments, developers, regeneration partnerships and local community groups. Our training packages have created and delivered bespoke training on planning issues to a wide range of clients. Training ranges from basic "introduction to planning" sessions which are ideal for community groups, to more detailed and specific training on subjects such as community participation techniques, neighbourhood planning, conservation and enforcement.

Volunteers are an essential part our organisation. The skills they bring to Planning Aid for London and the time they dedicate is an invaluable resource and one which allows Planning Aid for London to sustain its core services. The

volunteer network consists of planners from the public, private and voluntary sectors and specialist advisors from legal, architectural and academic backgrounds. Planning Aid for London seeks to ensure that each volunteer is supported by providing suitable training and Continuing Professional Development access. Planning Aid for London and its volunteers are, due to current availability of funds, managed by only a single paid staff member currently. Planning Aid for London is restricted in the number of volunteers it can provide and the number of communities it can serve.

The comments set out below on the Planning for the Future White Paper consultation are provided from a London perspective. However, it should be recognised that changes to the planning system which are suitable for London (and the wider south east of England) are not necessarily appropriate for England as a whole.

General Comments on the Planning for the Future White Paper

Planning Aid for London welcomes proposals to simplify the planning system in England, and also welcomes the objective of increasing the number of sustainable homes.

We note the recent poll finding that only 7% of the respondents trusted their local planning authority to make decisions about large scale development that will be good for their local area.[1] However, we are not convinced that the proposals in Planning for the Future will provide an answer to the lack of trust in the planning system among the population. Far from encouraging and enabling more people to get involved with the planning system, we are concerned that the proposals will result in fewer opportunities for involvement in the planning system, and consequently less trust in it.

If consultation is, as Planning for the Future says, "*dominated by the few willing and able to navigate the process*" we believe that the voice of "*those who stand to gain from development*" is currently also heard very clearly in consideration of planning applications, often to the detriment of others.

The difference in the weight accorded to the voices of those affected by a development and those who stand to gain is particularly acute at planning appeals. The developer is usually represented by high powered and experienced barristers, QCs and other experts who make a living from supporting "*those who stand to gain from development*" and are able to spend their working hours building a case.

By contrast most communities affected by developments are unable to afford legal representation or experts, and local residents have to respond in their own

[1] Grosvenor (2019) 'Rebuilding trust' https://www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf

time, taking time out of their days to appear at inquiries. A significant part of Planning Aid for London's case load is seeking to redress the balance between those who gain from development and those who are adversely affected by development.

As set out in its charitable objectives, Planning Aid for London's ultimate purpose is "*to advance the education of the public by informing them how the town planning system works including the making and determining of planning application and appeals, and the preparation of local, unitary and strategic plans*."

Planning Aid for London has always sought to widen involvement in the planning system, often working with so-called "hard to reach" groups.

Pillar 1: planning for development

Planning for the Future poses the following question: What three words do you associate most with the planning system in England? Planning Aid for London's answer is this:

- Complex – the legislation and regulations related to planning are extremely difficult for the general public to navigate and to understand

- Iniquitous – the planning system is stacked in favour of those who have the time and money to engage with it. Whilst developers have time and money, local communities affected by development almost always lack both, particularly in urban areas.

- Under-resourced – the planning system is starved of resources which limits the ability to properly engage with local communities. Similarly, few opportunities currently exist for members of the public to access free or affordable advice on planning.

Plan making

Of the three types of area set out in Planning for the Future, the majority of London is likely to be within "renewal" areas, although assuming the definitions remain as set out in Planning for the Future, a substantial minority of the Greater London area will be covered by "protection" through being in conservation areas or green belt.

Given the proposed "*statutory presumption in favour of development being granted for the uses specified as being suitable in each area*", there will need to be a significant shift of understanding amongst the general public that the local plan preparation period is the main opportunity to influence development in their local area.

However, as recent research by the Town and Country Planning Association[2] indicated, just 0.01% to 1% of a London borough population has gotten involved in the most recent local plan consultation in their area. This is due to the lack of resource to sustain community input at a strategic level as well as the inaccessibility of policy documents to the wider public.

It will be a challenge to build the understanding of this change, and build the capacity to respond meaningfully to it, within communities due to the lack of resourcing across the planning sector.

Planning for the Future makes much of the use of technology to engage and consult. Planning Aid for London agrees that all methods of engagement and consultation should be used to get as broad a range of community responses as possible. However, those without access to technology should not be forgotten.

The Office of National Statistics reported in 2019 that 8% of people in the UK (around 9 million people) were estimated to have zero basic digital skills (are unable to do any of the activities described in the five basic digital skills) and a further 12% (6.4 million adults) were estimated to only have limited abilities online (missing at least one of the basic digital skills)[3]. Further, The Good Things Foundation found that around 9 million people experience difficulties using the internet independently[4] and, according to AgeUK, over 79% of all digital exclusion is among those aged 65 and over (2018)[5]. Therefore, more traditional ways of consultation should be continued with and expanded, alongside new technology, until the traditional ways are demonstrably no longer useful.

With the focus on technology for engagement and consultation to the fore it is also unclear how people will be made aware of the local plan stages and opportunities to get involved. Whilst innovative methods such as push notifications to all residents' mobile phones may technically be possible,

[2] Town and Country Planning Association (2019) 'London – Planning for a Just City? Exploring how local planning authorities are embedding equality and inclusion in planning policy' https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=a74198b6-39fe-4378-86e1-f1fdf3b9dd8e

[3] Office of National Statistics (2019) 'Exploring the UK's digital divide' https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/articles/exploringtheuksdigitaldivide/2019-03-04

[4] Good Things Foundation (2020) 'Blueprint for a 100% Digitally Included UK.' https://www.goodthingsfoundation.org/sites/default/files/blueprint-for-a-100-digitally-included-uk-0.pdf

[5] AgeUK (2018) 'Digital Inclusion Evidence Review 2018' https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/age_uk_digital_inclusion_evidence_review_2018.pdf

traditional methods of communication such as local newspapers, local authority free publications, mailshots and other forms of advertising will still be required to reach all sections of the population.

As Planning Aid for London understands it there will be three stages for local plan preparation: 'Call for sites', 'drawing up the plans', and 'submission/ examination'. In the 6 months call for sites period we are promised "best in class" engagement with the public. However, it is not clear whether public engagement would just be part of the call for sites, or whether the public would have an opportunity to comment on the sites put forward.

We understand there will then be a 12-month period for local planning authorities to draw up plans. It is not clear from Planning for the Future that this would include any further public engagement.

We understand that finally, when the local plan is submitted to the Secretary of State for examination there will be a parallel 6-week period for public consultation. Planning for the Future indicates that "*Comments seeking change must explain how the plan should be changed and why*".

However, Planning Aid for London does not consider it realistic, without the provision of significant education, capacity building and support, for the general public to be able to put forward constructive comments in a form that the Secretary of State will be able to consider.

If the majority of planning decisions will be taken at local plan stage and not at an application stage, restricting opportunities to get involved has the potential to further reduce trust in planning.

We are concerned that, whilst currently communities can input into the shaping of policy, comment on planning applications and develop neighbourhood plans and local development orders, Planning for the Future substantially reduces the number of opportunities communities have to engage with the planning system.

Therefore, in the view of Planning Aid for London there need to be substantial opportunities for communities to engage with the development of policy rather than just the six-week period being offered.

In addition, with the right for people to be heard in person by the inspector at the local plan examination to be now only at the discretion of the Planning Inspector, the opportunities for the public to meaningfully participate in plan-making are likely to be further reduced.

Neighbourhood planning

Neighbourhood plans were brought in by the current government as part of the "localism" agenda, moving power to local communities and was welcomed by

Planning Aid for London as a way of giving local communities a say in the development of planning policy for their local areas.

Whilst the take up of neighbourhood plans has been patchy, they have been produced and prepared by local resident and business representatives, generally using hundreds of hours of their own time, and often with little external support.

LPAs are already withdrawing support for neighbourhood plans and community engagement projects due to potential changes arising from Planning for the Future.

It is unclear how neighbourhood plans would fit into the new system. If the housing numbers for each local authority are, as appears to be suggested, set by central government, and there are national design codes and centralised development management policy, there appears to be little or no logical role for neighbourhood plans beyond being local design guides.

Planning for the Future indicates that neighbourhood plans may be retained, but there is a lack of clarity about the future scope of them and the weight of the neighbourhood plans in decision-making.

The degree to which neighbourhood planning has a meaningful role in planning decisions in the future will go a long way to addressing the lack of trust that the public currently has in the planning system.

However, it is the view of Planning Aid for London, that moving planning decisions to local plan stage, significantly reducing opportunities for communities to get involved at local plan stage, diminishing the status of neighbourhood plans and massively reducing the number of or even, in some areas, completely eliminating planning applications will be likely to reduce trust among the public in planning still further.

Pillar 3: planning for infrastructure and connected places

With regards to affordable housing, Planning Aid for London has concerns about how housing affordable to those on low incomes or reliant housing benefits will be secured.

Planning for the Future indicates MHCLG is concerned that the current system of provision based on development viability does not provide certainty to local communities on the level of affordable housing accruing from developments.

However, Planning Aid for London is concerned that the options set out in Planning for the Future will increase uncertainty about the level of affordable housing to be provided from development sites.

To address this, it is suggested that where sites are identified for growth or renewal, an indicative number of affordable houses to be delivered on each site is included within the Local Plan allocation. This number of affordable units set out in the Local Plan allocation could be flexible within a percentage (say plus or minus 10%) to allow for unforeseen circumstances, but developers should not be able to reduce this.

Planning Aid for London would also wish to see funds provided through the Infrastructure Levy intended for off-site affordable housing provision ringfenced for the provision of housing affordable to those on low incomes.

When housebuilding was at its most productive period, between the 1950s and the 1970s, a significant proportion of the housing starts each year were local authority social rented housing. Local authorities should, once again, be enabled, encouraged and incentivised to build their own social rented housing.

Therefore, there should also be a requirement placed on local planning authorities that the funds ringfenced for off-site genuinely affordable housing provision must be allocated to appropriate local authority social rented housing projects commencing within two years of the Infrastructure Levy being received.

Delivering Change

The proposals within Planning for the Future will entail significant change to the planning system in England and Planning Aid for London welcomes the commitment to develop a comprehensive resources and skills strategy for the planning sector.

However, Planning for the Future indicates this resources and skills strategy will be aimed at those within the planning sector, rather than those that need to engage with it.

Planning for the Future indicates that one objective is to broaden the range of voices contributing to the planning process. However, the level of change will be on such a significant level that even those who currently get involved will need to “relearn” the process. This has the potential to leave the public without the skills to input into planning decisions affecting their communities.

There will be a need for a significant amount of publicity setting out for communities how and at what stages they can now get involved in the planning process. There will need to be an equally massive amount of capacity building.

Local planning authorities are currently stretched for funds and, even with the proposed, although unquantified, additional resourcing, will not be able to provide everyone who wants to get involved with the appropriate skills and resources.

We therefore strongly recommend that, as well as addressing resources and reskilling within the planning profession, a strategy and, as important, appropriate funding, is put into reskilling and capacity building within communities.

Planning Aid for London, along with similar community focussed organisations, have been building capacity within communities for over 40 years and would be well placed to provide this support for reskilling and capacity building.

However, to achieve the reskilling and capacity building for communities in the timescales set out in Planning for the Future for the introduction of the new planning system will be resource intensive and will require adequate funding.

We therefore recommend central government funding similar to that put in place for neighbourhood planning (under which Planning Aid for London provided community support in association with Locality in the past). This would fund organisations such as Planning Aid for London to build the skills and capacity within communities.

Such funded outreach could be broad ranging across communities, or it could be targeted to those with less ability to get involved using technology, such as older people, those with a disability, and some BAME communities.

We hope that you find the comments of Planning Aid for London Useful. If you would like to discuss our comments, or to find out more about Planning Aid for London, please contact the Trustees via, in the first instance, Koen Rutten (Koen.Rutten@tcpa.org.uk).

Yours sincerely

Jon Barker
On behalf of the Trustees of Planning Aid for London