

KENDAL TOWN COUNCIL

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Rt Hon Robert Jenrick, MP
Secretary of State for Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

26 October 2020

Re: Planning for the Future

Dear Secretary of State

Kendal Town Council has considered your proposals for reform of the Planning System contained in the White Paper 'Planning for the Future'. In addition to submitting responses through the required pro-forma web survey, the Council wished to write to you personally setting out its views on the proposed changes, and inviting you to respond to their observations.

The potential result of these central government changes when viewed as a whole would seem to be: more expensive; lower quality housing with greater density; in the wrong place for local needs; and with no 'affordable housing'. A large amount of decision making would be purely by planning officers, with little leeway, within centrally decided guidelines. These are centralised, urban proposals that take no note of local needs or of 'rural proofing'. It also does nothing to encourage local people to have increased input into the process of planning applications - in fact it does the opposite, almost to the extent that it looks like a policy aim. Whilst there are potentially beneficial proposals made in the White Paper they would require detailed expansion to be able to judge their usefulness in the context of Kendal and South Lakeland.

We welcome the government's attempt to address the delays and lack of transparency in the current planning process, as well as its aim at increasing community involvement. However, we wish to express concern regarding various proposals and also withhold agreement with others until more information is provided of specific ways policy aims will be enacted.

Kendal Town Council is an urban parish Council with a 30,000 population, in a semi-rural environment. We wish to underline that we feel these proposals outlined in the White Paper are a catch-all without the necessary nuance required for different areas with differing needs. These needs result out of Kendal and South Lakeland's rural and historical aspect. These are undifferentiated urban proposals which would adversely affect our rural needs. While we welcome a considered approach to many of the items outlined we await details of specific criteria in all of them within what is a 'one size fits all' document.

We welcome the following proposals in principle:

- The streamlining of the process in principle, increased enforcement, new class orders and for the idea of 'net gain' for developments rather than merely having 'no net harm'. The idea of stronger enforcement is to be widely welcomed. The idea of 'beautiful developments' is welcome in principle and we look forward to being able to comment on specifics, when outlined. We also look forward to proportionate funding for Council's to be able to put this into effect, after the drastic removal of resources from statutory planning authorities in the last decade. Again, we welcome the idea of carbon neutral development (and reducing CO2 by 75-80% in section 3.25) but draw attention to the fact that this is only truly beneficial at the building stage and would wish that to be made specific in terms of planning agreements, enforcement and the stage in the process at which it actually becomes a requirement.
- The involvement of a LPA design officer and the involvement of Homes England (section 3.13) is to be welcomed.
- Streamlining by means of digitisation and simplification will improve the standard of applications and we applaud this as well as the stated aim of increasing community involvement. We require more details as to how the LPS and national systems will integrate. However it remains uncertain how this will be enabled given the result of the area designation of 'Growth' and 'Renewal' in a Council area such as ours. After designation as a Growth area there will be no room for manoeuvre or change in decisions regarding design or density etc that can be suggested by any community involvement.
- We applaud the aim of an Environment Bill (section 3.23), for which no specific information has yet been provided and look forward to scrutinising its impact, which will range from negligible to fundamental depending on how it addresses local environmental needs. However, given the one-size-fits-all nature of the proposals so far, the Council has severe doubts as to its eventual actual benefit in enabling a robust defence and active protection in the planning process.
- 'Options to buy' becoming public knowledge would be of benefit and could reduce land banking if applied judiciously
- The idea floated in the document, of a discount for first homes, through developer contributions, is to be welcomed. It does not consider whether this will work on re-sales and given potential problems regarding that in current case law we doubt its long term benefit.

The following proposals raise alarm and concern as follows:

- As mentioned, this is a one-size-fits-all provision for a planning system within an urban housing scenario. In addition, it is based on enabling large urban Councils to increase throughput without ensuring quality of build, housing provision or development that is actively suitable for the local community area. This area has small rural communities and a small District Council and these provisions do not address local needs.
- We wish to register our strong opposition to Section 5.4 in which the threshold for affordable dwellings is increased from a development of 10 to either 40 or 50 units. This may be feasible in an urban context but would be ruinous in this area for the delivery of affordable housing policy (except in rural areas and AONBs). This would be the case even if introduced on a temporary basis, as indicated. It would also be in opposition to a stated aim of the government's policy of housing provision.
- The fact that 'Growth areas' (section 2.30) would automatically have outline planning permission on allocated sites, not requiring a planning application, would reduce local input and community involvement in an area such as the South Lakes. Together with 'Renewal areas' (section 2.35), with their general presumption in favour of approval, means less flexibility and little community involvement or influence in design, layout, density, codes or otherwise.
- In 'growth areas' there would be little protection for sustainability, soundness or quality of build or a holistic approach to neighbourhood development.

- Areas requiring Neighbourhood Plans or Community Led Plans in order to be able to have any say in design, layout, density, style etc presume a local ability and appetite to be able to achieve this, even by means of a simplified procedure. It is not practical for towns of our size to produce a Neighbourhood Plan under the current arrangements. Without a simplified process we would be penalised locally. Failure to achieve this would lock local communities out of any involvement in the process.
- An important problem implicit in these proposals is the time lapse between the date local issues are decided locally, the Local Plan is approved and the eventual date of development. Between these three dates a whole raft of circumstances may well have changed requiring a different set of responses. This proposal does not allow for any semblance of change and this could be potentially ruinous for 'growth' and 'renewal' areas. Once more, this would remove any community say in proposed developments on these sites to the detriment of local democracy.
- The proposal that applicants need not provide as much detailed information (section 2.39) means that community representatives such as Kendal Town Council and local residents/voters would be less able to make considered comments on an application. Better notice that an application has been made, as proposed, is meaningless if any local comments hold no weight to a 'done deal'.

Once again this is a national catch all and local design guides are necessary as are Development Management Policies and Core Strategies, which should not be national. This does not address local needs.

As the Rural Services Network also states, this will speed up the housebuilding process but will not only remove the obligation to build affordable homes but also to build homes to suit the specific needs of this area and its demographic – local homes for local needs. Similarly, removing Sustainability Appraisals, Duty to Co-operate and Test of Soundness would be detrimental to community engagement and quality of build. We would require more specific information on the amendments to S106 and CIL monies (section 4.3 and 4.9). However, CIL monies being available only on the sale/occupancy of a property would provide significant problems for LPA/council strategic funding for community needs. This shifts the burden from the developer to the local authority and thus the community. In addition, yet again, these proposals seem nationally set whereas CIL rates should be set locally.

There are other items such as contained in Sections 2.38, 2.40, 2.41 which would detrimentally impact on our LPA, as well as undue impact on planning officers with lack of funding, but which do not specifically and directly affect this Council. In addition, increased resource funding, such as land Registry costs in making options to buy public knowledge, should not be paid by the statutory body (LPA) but by landowners/developers in this case or by central government.

As a Council we would like to see these proposals include:

- The expansion of carbon neutral proposals into something more substantial;
- Specific provisions for the creation and enhancing of places through biodiversity. In a town such as Kendal there is a need to create and enhance areas of accessible green spaces within both 'growth' and 'renewal' areas and this has not been suitably addressed in the proposals as they stand. The importance of green spaces to people's health and wellbeing has not been addressed in any given safeguards;
- A more pro-active approach to solving land banking;
- Resources provided for what will result in increased council officer time;
- Provisions that do not take away powers of review from residents and elected members and that actually encourage local people to have an increased input;
- Dwellings that are required to be designed for the needs of 10 years' time, given this Council's declaration of a Climate Emergency;
- An expectation for all future plans to show evidence of consultation with professional bodies eg RIBA;

- A strengthening of the heritage aspect of the White Paper and that full note be taken of the advice received from Historic England and other professionals on these matters;
- Safeguards that proposals do not open up the potential of increased danger in 'at flood risk' areas such as Kendal due to reducing planning involvement.

The Council is very concerned that your proposed reforms will lead to massive shortfall in local oversight of the development process. We urge you to ensure that such a situation does not arise, and that local communities will continue to have a meaningful say on each and every development in their own neighbourhoods.

If you have any queries at all about this response, please don't hesitate to contact the Council through its Clerk: clerk@kendaltowncouncil.gov.uk.

Yours sincerely

pp Chris Bagshaw

Cllr Doug Rathbone
Chair, Planning Committee