

Fortune Green and West Hampstead NDF response to “Planning for the Future” White Paper

Introduction

The Fortune Green and West Hampstead Neighbourhood Plan (NDP) was the first to be adopted in the London Borough of Camden and the second to be adopted in London, and the area’s Neighbourhood Planning Forum was redesignated in 2019.

As such the Fortune Green and West Hampstead Neighbourhood Forum (NDF) already has considerable first hand experience of the part neighbourhood planning has to play in the broader planning process, and in the challenges of engaging local people in the creation of a neighbourhood plan.

Our experience of “frontloading engagement” is that the majority of residents have little interest in “planning”, which they see as an abstract topic, until something is about to be built on their doorstep. So ability to engage at the point when a planning application is submitted is important, and this is reflected in our detailed comments.

We note the intention that neighbourhood planning groups should be involved in developing design codes. This would require substantially greater technical support, and that support would need to be of high quality. We found this essential during the process of creating the Fortune Green and West Hampstead NDP.

During the creation of our neighbourhood plan, which was based on a comprehensive community engagement strategy, we were acutely aware of the challenges of gauging the view of hard to reach groups, and fear that the front-loaded engagement approach proposed will make this even harder.

An enormous amount of effort and time was put in by members of the local forum in creating the plan and steering it through the various stages including examination, the referendum and the final adoption by Camden Council. We are concerned that the proposed revised system will dramatically limit the ability of neighbourhood plans to influence development in line with the views of the local community.

Given the substantial effort required to create neighbourhood plans, we fear that if their influence is significantly reduced, other areas will feel that this effort can no longer be justified and that neighbourhood planning will therefore wither on the vine.

Our detailed responses to the questions in the consultation document are given below.

Pillar One, Planning for development

Questions 1 - 4

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

Multi-layered, complex, responsive.

2. Do you get involved with planning decisions in your local area?

As the local Neighbourhood Development Forum, we clearly play a very active role in planning decisions in our local area.

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]

As a statutory consultee we are kept informed and consulted about plans and planning proposals through emails from the planning department of the Council. We also receive daily emails from the Council for proposals in our area, which any resident can sign up to. This works well.

We are however conscious that not all residents are likely to find signing up for email notifications the best way to find out about planning issues that affect them, and that many will prefer to find out about these via social media, local newspapers (which have a strong tradition in Camden) and online news sources. Some residents regret the demise in Camden of postal notifications for the immediate neighbours of properties subject to planning applications.

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]

- The environment, biodiversity and action on climate change – with particular reference to air quality
- More or better local infrastructure – with particular reference to improvements in the local tube station
- The design of new homes and places in the growth area, while retaining traditional architecture in the area's many distinctive older streets outside the conservation areas.

Question

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

Whilst we recognise that the process for producing Local Plans is a complex one which could benefit from some streamlining, we have serious concerns about the approach proposed and are concerned that a “one size fits all” approach based on the three types of land specified for development will not work when in complex urban areas like West Hampstead. Our neighbourhood plan area covers two conservation areas, an area previously designated as a growth area under the London Plan, a town centre, with borders with two other town centres, and has many distinctive older streets that fall outside conservation areas.

Our experience of public engagement when our NDP was being created suggests to us that the proposal to only allow for engagement at local plan stage significantly reduces the ability for local people to influence proposals and shape their areas. We would welcome more clarity around public consultation and engagement and on political involvement in planning decisions.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

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.]

No. We have the same concerns about a “one size fit all” approach as explained in our answer to the previous question.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

Questions

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.]

In the case of neighbourhood development plans, we agree that the present environmental impact assessment requirements are excessively onerous and would welcome some streamlining.

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

This is an issue of concern to the West Hampstead NDF, as this part of Camden immediately borders two other London boroughs, Brent and Barnet. We agree with Camden Council that the current approach to strategic planning in London, with boroughs and the GLA co-operating on London-wide and cross borough level, should be retained.

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.

Questions

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.]

No. As in various other responses, we believe that the complex nature of urban areas such as Camden, and West Hampstead within it, means that a “one size fits all” approach will not work.

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.

Questions

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.]

No. Our neighbourhood plan area’s growth area includes more than one major site where the NDF has been involved in discussions in advance of planning permission being sought, and we very much doubt that granting outline planning permission without such discussions having taken place would be in the interest of the area, bearing in mind not only design issues but also issues such as local infrastructure, housing, health and wellbeing, sustainability, the public realm, and employment.

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.]

Our preference is for the option whereby applications in renewal and protected areas whereby applications for development would be determined as they are now, by the existing process, which allows for community engagement at the point of approval. Our experience tells us that it is at this point that community engagement is most likely to be meaningful.

**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.]**

No comment.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Question

**10. Do you agree with our proposals to make decision-making faster and more certain?
[Yes / No / Not sure. Please provide supporting statement.]**

While we recognise the significant advantages of increased use of digital, this must complement community engagement and not be at the expense of other traditional approaches and lead to the exclusion of local residents and businesses who do not engage digitally or lead to the loss of the depth and detail that face to face involvement of local communities provides. Local knowledge is a powerful aspect of neighbourhood planning which must continue to be taken advantage of.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Question

**11. Do you agree with our proposals for accessible, web-based Local Plans?
[Yes / No / Not sure. Please provide supporting statement.]**

We agree with Camden Council that web-based Local Plans and digital tools are welcome, however there will be a need for financial and human resources to support this, especially at neighbourhood level. It is important to avoid a scenario in which parts of the community that do not access digital platforms are excluded.

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.

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.]

No. We regard this as an arbitrary timescale that does not take account of the complexity of producing new Local Plans in a system that has not yet been tried and tested. If the proposal for three land categories is to be implemented, i.e. growth, renewal and protected, it would be important to properly consult local residents, landowners and business on allocation to these categories. This will be contentious in many places and therefore the examination process must make sure that all parties feel that they have been given a satisfactory opportunity for their views to be considered.

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

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.]

We are of course very much of the view that Neighbourhood Plans should be retained in the reformed planning system, and believe that the role and status of existing and new Neighbourhood Plans in the proposed new system needs to be clarified.

An enormous amount of effort and time was put in by members of the local forum in creating the plan and steering it through the various stages including examination, the referendum and the final adoption by Camden Council and we are concerned that the revised system will dramatically limit the ability of these plans to influence development in line with the views of the local community.

Given the substantial effort required to create neighbourhood plans, we fear that if their influence is significantly reduced, other areas will feel that this effort can no longer be justified and that neighbourhood planning will therefore wither on the vine.

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?

We note the governments desire to greatly increase the use of digital tools, and if this is to apply also to neighbourhood plans, a significant increase in the funding available to neighbourhood groups will be needed.

We also note the intention that neighbourhood planning groups should be involved in developing design codes, and by the same token this would require substantially greater technical support, and that support would need to be of high quality. We found this essential during the process of creating the West Hampstead NDP.

Our own neighbourhood areas and adopted area and our adopted NDP include the whole of one conservation area and part of another. As these would fall within the proposed protected category, some thought needs to be given to the role of NDFs and NDPs in relation to protected areas.

We note the option of allowing Neighbourhood Plans to be prepared for much smaller areas, and based on our own experience we very much agree with Camden Council's view that regardless of the size of the area covered, there are considerable statutory requirements and resourcing implications in preparing even a smaller plan.

Proposal 10: A stronger emphasis on build out through planning

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.]

Yes. Simply speeding up the planning process on its own will not guarantee a marked improvement in the delivery of new homes. This is an important opportunity to introduce measures penalising developers that do not build out their permission within a reasonable timescale.

Pillar two: Planning for beautiful and sustainable places

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]

While there are many examples of good design in the area, some of these have been undermined by poor use of materials which has weakened otherwise good designs, such as in the case of the new Emmanuel Primary School.

The NDF has played apart in achieving good design through early meetings with developers in advance of planning permission being sought.

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]

- Improvement of air quality
- More green and open spaces
- Less reliance on cars in line with the existing car-capping policy
- Energy efficiency of new buildings
- More trees

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.

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.]

Our experience has been that developments that “tick design boxes” in an insensitive way does not complement and enhance the appearance of the area.

If neighbourhood forums are to be involved in the creation of design codes for their area, financial support for professional assistance will be essential.

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.

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.]

We support Camden Council’s comment on this proposal: “Local Planning Authorities which do not have design expertise in house will need extra support and resources. It is not clear how a single national body would be able to provide the level of support needed in authorities across the country. If Local Planning Authorities will not be able to influence positive design through existing routes, the number of design codes needed in an area like Camden would be substantial and resource heavy. A chief officer for design and place making is unnecessary since this would be covered by the Chief Planning Officer as advocated by previous reforms. Design and place are important considerations but planning rightly extends beyond this to ensure the priorities listed at the outset of this response are achieved”.

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.

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.]

No comment.

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.

Question

**20. Do you agree with our proposals for implementing a fast-track for beauty?
[Yes / No / Not sure. Please provide supporting statement.]**

We are concerned that a fast track for proposals that comply with a nationally set design code would undermine opportunities for engagement by the local community.

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.

We would view this as a positive move.

As our neighbourhood area has a history of flooding, we regard continued local flood risk management as essential.

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.

It is important that such a framework should not dilute and undermine the importance of adequately assessing environmental impact.

Proposal 17. Conserving and enhancing our historic buildings and areas in the 21st century.

We have grave concerns about allowing so-called “architectural specialists” to be exempt from requiring listed building consent.

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.

While we welcome improvements to energy efficiency nationally, there also needs to be recognition of Local Authorities like Camden who strive for better outcomes, and allow them to continue with setting their own energy efficiency targets where feasible and viable.

Pillar three: Planning for infrastructure and connected places

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.

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

We support Camden Council’s view that: “In many parts of the country the CIL and S106 system is working effectively and provides much needed funding for infrastructure to support

new development and mitigate its impacts. A new system for the whole country is not considered necessary and it is likely to be costly to implement and serve to disrupt the future funding of infrastructure. The changes should be focused on those areas (mainly outside of the metropolitan areas) which have not adopted a CIL and could involve the calculation of levy by a standard method where CIL has not been taken up.”

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?

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

We believe that rates should be set locally because in many locations, particularly urban areas like Camden and West Hampstead within it, property markets and values vary considerably.

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?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

We support Camden Council’s view that “The proposed system should aim to increase the value of contributions from development because it will be introduced in a climate where local authorities have had their infrastructure budgets reduced, particularly for areas such as education and transport.”

Question

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.]

No comment.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

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.]

Yes, this should apply to any future levy that covers development bringing more people into an area and thus increases the level of infrastructure that needs to be funded.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

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?

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

We share Camden Council’s concern about the proposed removal of the ability to secure on-site affordable housing through planning obligations, and want to see as much on-site affordable provision as possible in our area.

Question

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.]

No. We support Camden Council's view that: "Affordable housing would be provided at the expense of other necessary infrastructure or less affordable housing would be secured. A right to purchase would need to be secured through some form of planning obligation to be effective and units would need to be purchased at the level of their construction cost and not market value. Otherwise there will be substantial reduction in affordable housing provision".

Question

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.]

No comment.

Question

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.]

We support Camden Council's view that "Quality housing design should be secured though the planning process whether by conditions on the grant of permission, a legal agreement or the enforcement of a design code. Even the lowest specification units should meet affordable housing standard set out in planning policy documents."

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Question:

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

See 25(a)

Question

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

We support Camden Council's view that: "Affordable housing should be funded separately so it does not compete with the other types of infrastructure needed to support residential development. Likewise, the larger-scale/strategic infrastructure should not compete with smaller-scale/local infrastructure".

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

No comment.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

Planning enforcement is a substantial area in its own right beyond the scope of our response to the consultation. We support measures to strengthen enforcement powers and sanctions and note the detailed comments that Camden Council has made in its response in this area.

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?

We believe that the proposed reforms in the White Paper would have wide-ranging effects on people with protected characteristics that need to be assessed by a thorough equalities assessment.

During the creation of our neighbourhood plan, which was based on a comprehensive community engagement strategy, we were acutely aware of the challenges of gauging the view of hard to reach groups, and fear that the front-loaded engagement approach proposed will make this even harder.

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