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Charing Ward

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

Date: 29 October 2020

Our ref: GDC/29/20

Dear Secretary of State,

Ashford Borough Council

Serious concerns Planning for the Future White Paper

The Council's full response to the specific consultation questions on the white paper are to be sent shortly.

However, there are a number of concerns that I, as Leader of Ashford Borough Council, wish to raise now. To assist you, I have highlighted my concerns, under the relevant topics.

Standard Methodology and Binding housing requirements

You will already be aware that there is a strong, consistent and successful track record of housing delivery within the borough of Ashford. We have embraced sustainable housing and employment growth in the past, and continue to do so. Indeed, our recently adopted Local Plan (2019) provides a policy framework to deliver around 16,872 homes and 11,100 jobs by 2030.

The Council are proud of what we have achieved in terms of assisting the delivery of growth and investment within the borough. We recognise the important role we play in helping to achieve the Government's objective of 'boosting the supply of housing', particularly in the South East region. We have and will continue to play our part.



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However, achieving this level of growth on a consistent basis has proved challenging. It requires a consistent strategy, expressed through numerous Local Plans. This ensures that the strategy is deliverable and achievable, but also ensures that the housing growth is appropriately balanced with job creation, is supported by community infrastructure and can be accommodated through improvements to the local road network. This has been achieved, but the effort should not be underestimated. Nor should the importance of giving people the opportunity to input into these plans, in a way which helps shape them as they evolve.

I am therefore very concerned about the proposed changes to the Standard Methodology in the White Paper. As a starting point, they will increase the boroughs housing requirement by around 25%. This is on top of an already challenging figure.

We strongly object to this.

As a methodology, it seems to greatly impact those authorities that have delivered their past housing needs – i.e. those which have taken on the challenge and been successful. Yet the proposed approach merely makes it ever more challenging to ensure balanced housing growth is achieved, in a way that is sustainable, and achieves our quality placemaking aspirations. **This is simply extremely unfair.**

Although the White Paper introduces an assessment of local issues and constraints - which may reduce the housing number created by what appears to be an initial algorithm - it does not set out how the LPA will be involved in this assessment process. Nor is it clear whether we will have the ability to challenge the outcome.

The current approach also fails to address the issue of the lack of housing in the northern powerhouse cities – many of whom want the housing growth and would benefit greatly from such investment.

The current and proposed approach (which places yet more emphasis on housing growth alone, as opposed to other important matters such as job creation) also fails to address a significant failing of the planning system in that it is too focused on housing delivery, as opposed to ensuring suitable land is identified for housing growth.

It needs to be very clear what the LPA can and should be held accountable for the granting of planning consents, and for identifying sustainable housing sites through the Local Plan process. However, the LPA should not be held accountable, or 'punished', for housing delivery. Housing developers control housing delivery, in the vast majority of cases. **Why no action against Housing Developers?**

Despite continued efforts by us to work with developers to resolve any local delivery issues, developers still ultimately control the amount of housing delivered on the ground. For example, in Ashford for the timeframe of 2014 to 2019 an average of 1200 dwellings were granted planning consent annually, but only 710 dwellings were actually built out per year (on average).

This highlights the biggest issue facing LPAs, as it is the planning weight of the Local Plan that is ultimately eroded by such non-delivery. Yet we have fulfilled our obligations of the planning system through both the issuing of planning consents, and by having a recently adopted Local Plan 2030 (adopted 2019).



It cannot be fair that the weight of the Local Plan - which has taken years to evolve and involved engagement with local people and local stakeholders - is now being eroded because of the failure of the developers to meet their 'obligations'. Particularly when many of the same developers were involved in the evolution of the Local Plan and supported the policy framework it was proposing.

As a matter of urgency, we therefore propose that the binding nature of housing supply and delivery is removed from the local authorities and placed instead on developers. They must now start being placed under more scrutiny in this regard, with penalties for not delivering sites which have permission or which are allocated.

Plan making changes

Although the principle of creating a simpler, more streamlined Local Plan process is welcomed, we consider that not all of the proposals set out in the White Paper will assist to achieve this aim.

There is a lack of detail about exactly how the 3 'areas' or land categories will work in practice. It seems overly simplistic and planning rarely is that simple. Also, the aim that the Local Plan will be able to be delivered within a 30 month timescale, is very challenging and may not be achievable. After all, a new Local Plan will need to create detailed policies and design codes for the area, and undertake effective community and statutory consultation, all whilst implementing new digitised software.

We also have concerns relating to the proposal that 'Growth Areas' are to be given automatic outline planning permission. This is likely to require significant resources within the early Local Plan making stages, including site assessment and analysis similar to that needed for an outline planning application. This could well delay the Local Plan.

Furthermore, any proposals to remove local community involvement in the Examination process is undemocratic and is strongly opposed. It is vital that communities remain at the heart of planning decisions. It is, after all, these communities which will need to interact and live side by side the new developments being built. It also gives the Local Plan more ownership once it has been adopted, as people can see it has been challenged and suitably debated.

Development Management changes

The proposals to digitise and simplify the planning application process is welcomed, but we have significant concerns that a number of these proposals will merely remove the rights of the community and elected Members to have decisions considered by planning committee. Accountability at the local level must remain. To not do so is undemocratic and fundamentally flawed.

There also appears to be a danger that the officer assessment part of the planning application process is undermined and determining applications could also merely become a 'tick box' exercise which removes the ability to 'balance' all the competing material considerations. As stipulated earlier, this is not realistic as planning is not that simple and will never be that simple.

Infrastructure Levy

Providing more flexibility about how infrastructure is delivered and paid for, is welcomed. However, the proposal that the LPA will become the main delivery agent



and possibly the ‘forward funder’ raises concerns. Acting as delivery agent, particularly at a time when Local Government finance is greatly challenged, creates huge risks for the Council.

In addition, this risk will be further exacerbated if the final sales values from development is not achieved. A range of factors could impact this, such as a developer ceasing to trade, being unable to meet the levy payments agreed initially, or if house prices fall between the original estimation of the levy payment and completion.

In essence, the White Paper proposals seem to place much of the traditional risk faced by private developers, onto the shoulders of the public purse.

We therefore suggest that a mechanism that protects local authorities needs to be introduced. This could include the government underwriting the costs of infrastructure which is to be forward funded by the LPA. If this mechanism is not provided, then there is a substantial risk of Local councils not being able to deliver any of their statutory duties to their local residents. This will ultimately lead to unsustainable development.

There is also a missed opportunity for these proposals to establish a wider funding system for strategic infrastructure which is managed nationally. This could include much needed investment in hospitals, strategic highway improvements or cross-boundary biodiversity mitigation. Hospital investment is clearly a priority in light of the ongoing Covid-19 pandemic.

Placemaking

The Council are supportive that good quality design and placemaking are included in the proposals in the White Paper. The Council have always placed such issues high on our agenda, to great success.

However, we have concerns about how such placemaking will be balanced against the clear desire for faster housing delivery and the speeding up of the plan making and decision making processes. Progressing too quickly could lead to poorly designed schemes coming forward, as LPAs do not have the time needed to properly consider the design and build quality elements of a scheme.

The Council have always aimed to create ‘communities’ and we have first-hand experience of the importance of this. At the planned settlement of Chilmington Green (5,750 homes) we have established a Quality Agenda and Design Code, which has sat alongside a community development strategy and a Community Management Organisation model to manage community facilities on behalf of residents.

This development forms part of a wider South of Ashford Garden Community, which is to be built on ‘garden community principles’ with support from Homes England. However, establishing these initiatives requires time and careful planning, and ‘speeding up the planning system too much’ may jeopardise the ability to deliver these objectives.

Implications of Covid-19

We note that the White Paper is silent on the implications of Covid-19. The impact of a national pandemic should not merely be brushed under the carpet. In particular, Covid-19 has placed greater emphasis that ever before on the need for better living



space requirements, greater remote working and will undoubtedly impact peoples habits regarding employment, retail and community uses.

In addition, the implications of Covid-19 on house prices, affordability or delivery rates have not been addressed by the proposed Standard Methodology calculation changes. It is clear that the housing market will be adversely impacted by Covid-19 and yet under these proposals, the LPA will be solely accountable for any under delivery of housing.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gerry Clarkson', written over a horizontal line.

Gerry Clarkson, CBE, QFSM, BA (Hons)
Leader of the Council

