White Paper: Planning for the Future. Response by Chester Civic Trust

Pillar One–Planning for development

OVERVIEW

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

   "Vital, complex and underfunded".

   In particular:

   1) the design of new homes and places;
   2) building affordable homes to rent and buy
   3) protecting the heritage of buildings and places.

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

   Yes. The Chester Civic Trust monitors and where appropriate comments on relevant planning applications in the city. Developers are also encouraged to have pre application consultations with us. There is also direct discussion with local authority planners on major local development proposals.

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?**

   Online

4. **What are your top three priorities for planning in your local area?**

   - Protection of existing heritage buildings or areas

   - Supporting the high street

   - The design of new homes and places for higher quality reflecting the character of the local area and the historic city of Chester

A NEW APPROACH TO PLAN-MAKING

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

   No. We are concerned about the proposals to zone land into three categories. It feels too rigid, too simplistic and incapable of delivering high quality. What is wrong with the current local plan approach to allocate land to the main land uses – housing, industry, retail, open spaces, etc? Current local plan proposals seem to be ignored by the White Paper, which says that planning applications are determined by vague policies without mentioning the plan's allocation proposals.

We have no experience of those countries that use zoning but, according to academic research, zoning struggles to deal with urban complexity and does not necessarily save time in the processing of permissions to proceed with development. The current planning system has a great deal of merit and carefully considered revision to this is much more likely to secure the desired outcome. Decisions on development are essentially political in nature and need to be recognised as such.

Experience elsewhere suggests that zoning is often itself highly complex with many exceptions and escape clauses. For example, we believe that New York, which has been using the zoning approach for a long time, currently has 21 zoning districts. Each has a myriad of detailed and specific requirements and the city's Zoning Resolution, which lists all of them, now runs to 4,300 pages.

6. **Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

    Not sure. Whilst we support the need for streamlining the development management process, we are opposed to the policies being set out nationally. We would prefer the second alternative given in paragraph 2.16 of the White Paper which allows local authorities flexibility to set their own policies as under the current Local Plan system, to reflect local circumstances such as industrial legacy of contamination, or special local architectural character and heritage.

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?**

    Not sure. We agree that the achievement of sustainable development is awell-understood basis for the planning system and support its retention. Although the existing tests of soundess have never been well understood, the White Paper does not contain suffcent detail of the new "sustainable development" test for us to make a judgement.

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

    We oppose the abolition of the current duty to co-operate. Its removal will also undermine any attempt at strategic planning across council boundaries particularly for those urban areas where restraint of housing development in some areas will help facilitate urban regeneration in others. The Liverpool city region is a good example.As the built-up area of Chester extends into Wales in the Saltney area, its removal would create particular problems in our area.

    Good planning is about much more than meeting housing requirements and good design. Building better places requires the strategic co-ordination of infrastructure investment with high quality development that can unlock its benefits.Something that the White Paper proposals completely ignore. So, if the duty to co-operate is removed it would need to be replaced by voluntary arrangements.

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

    No. The proposal to establish a single method of distributing housing requirements, based on a range of supply-side factors, including land constraints, is significant. Judgements over the distribution of development and balancing need against constraints have always been a

matter of planning judgement (whether carried out at regional or local level). Doing this at a national level with a standard method is very worrying. We have just seen the public reaction to deciding A-level results by nationally determined computer algorithms. Is this going provide similar problems? How this squares with the promise in the 2019 Conservative Party manifesto that "the days of Whitehall knows best are over" is unclear.

If this method is to work, it should be done through a national plan for growth and regeneration. Making housing figures binding on local authorities fundamentally undermines local democracy. A national top down system for housing allocation is a crude attempt to fill the gap left by the removal of strategic regional and county planning.

If housing figures are calculated to ensure that enough land is released where affordability is worst this will accelerate development in areas where demand is highest - some of which are already suffering from over-stretched infrastructure (especially road congestion and overloaded transport systems).

(b).Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

Not sure. If affordability is the only criterion then this will force housing development on areas which are already booming and neglect areas in need of regeneration.

Housing need also has to be satisfied with a range of dwellings suitable for all types of households in appropriate locations. This cannot be left solely to the private markets as it is a core function of planning.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

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?**

No. The proposal to automatically grant planning permission without careful consideration of the pros and cons will allow poor quality, unsuitable development to be built.

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

No. In both Renewal and Protected areas all development proposals should come forward as now through planning applications to the local authority with the opportunity for public comment.

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

Not sure. Whilst we agree that the proposal is worthy of exploration, we believe that it is essential to incorporate the views of both the local authority and the local community.

Although the new settlement may be nationally significant its primary impact will be local.

10.   **Do you agree with our proposals to make decision-making faster and more certain?**

No. It is important to get the right decision not the fastest. Once a development is built it lasts for many years.Local authorities will be tempted to refuse such development before the time limit expires rather than allowing for a more satisfactory negotiated solution if there was

more time. Automatic rebate of a planning application fee if appeals are successful is unjust and reduces the resources available to councils to fund their planning functions. This will produce an unwillingness to refuse poor quality applications.

We are concerned that there will be no role for organisations like ours in commenting on individual planning applications.

Pillar Two–Planning for beautiful and sustainable places

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

Yes, but this should be in addition to other methods of engagement as a range of approaches are required to engage the widest cross-section of the local community. Digital technologies are good at supporting quick communication between citizens, planners and decision makers (such as through social networking and smart phones), but more involved technologoies (for example, those that engage with people's creativity) can support more meaningful engagement between citizens and create opportunities for them to shape proposals. The more involved the community are, the more likely they are to accept change in their neighbourhood, and the more effective and efficient the planning system will be.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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

No. Local authorities are going to need more powers and resources to create and deliver the new style plans for their areas as well as the masterplan and design guides required for all the growth areas. Even then we doubt whether the whole local plan process (including two periods of public participation) could be completed in 30 months, and then repeated five years later. Given that it is proposed to make the local plan legally the be-all-and-end-all, examinations will be bitterly fought by objectors due to the lack of consultation chances later. We also have doubts whether the Planning Inspectorate's resources would be able to cope with so many plans so quickly.

13. (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes, but we are concerned that the White Paper proposals would result in communities having less influence partly as a consequence of overall housing numbers being imposed nationally, partly through development management policies being standardised nationally through the National Planning Policy Framework, and partly as a consequence of various types of development approval being remove from the traditional planning application process.

The enthusiasm and commitment from local communities necessary to prepare neighbourhood plans will be severely diminished if the planning tools to implement them are weakened. The necessity for neighbourhood plans to conform to the proposed rigid strategic

policies and zonings of the local plan will also reduce their scope for innovative solutions to local problems.

(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?

See the reponse to Question 11.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

14. **Do you agree there should be a stronger emphasis on the build out of developments? And if so,what furthe rmeasures would you support?**

Not sure. The White Paper simply promises to "explore further options to support faster build out" as proposals are developed.

CREATING FRAMEWORKS FOR QUALITY

15. **What do you think about the design of new development that has happened recently in your area?**

Chester and other historic cities with a rich heritage of architectural styles through the ages should be at the forefront of high quality design. Sadly, recent developments, particularly of student accommodation and new private housing areas have fallen well short. Weak planning powers, lack of local authorities' resources and time for negotiations added to a developer friendly appeals process undermine the power of local authorities to influence good design. Design guides with statutory backing will be more helpful so long as they are not a 'one size fits all' solution. However, the reduction in need for full planning applications and reduced scope for negotiations will be detrimental to good design. The local input from civic societies with their rich local knowledge will unfortunately be reduced by the White Paper proposals.

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

- More green and open spaces
- Improved energy efficiency of new buildings

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

Not sure. The emphasis on design codes and good design is clearly welcome, but how this is established and works in practice will be crucial to ensuring that quality is improved, especially if the quantity of developments increases. Any design code needs to recognise the importance of encouraging local distinctiveness – one size does not fit all, and good design for a particular place will not necessarily be so for another.

It is unclear what is to be the statutory status of local design and development codes. Is this to be the equivalent to the existing 'supplementary planning guidance' or is it to have the same statutory status as a development plan? These will have to have strong legal status if they are to have the confidence of the public and not be undermined by developers wishing to save costs.

We do not think it is realistic to expect a local authority as big as ours (Cheshire West and Chester) to be able to code all land within its boundary.

We recommend that Civic Societies like ours are classed as a Statutory Consultee on all design codes in their area.

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. We welcome the fact that design and place-making is still high up on the Government's agenda. The Royal Town Planning Institute has always seen design quality and place making as being at the heart of planning,so we support the proposal that each local authority should have a chief officer for design and place-making (a chartered town planner) on their management board.

19. **Do you agree with our proposal to consider how design might be given greater emphas is in the strategic objectives for Homes England?**

Yes. We support the proposal that Homes England's strategic objectives should give greater emphasis to delivering Beatiful Places.

We welcome the appointment of Charles O'Brien, a commissioner at Historic England, as the Government's listing heritage adviser to work with Council's to help conserve more of England's historic buildings.

A FAST-TRACK FOR BEAUTY

20. **Do you agree with our proposals for implementing a fast-track for beauty?**

Not sure. Whist we support the proposal to develop a pilot programme to test the concept, we are concerned that implementing a fast track for beauty might result in a speedy rather than a correct decision being taken. We also have concerns that the use of "pattern books" and "a limited set of form-based development types" might limit the opportunity for innovative design that respects local distinctiveness.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

No questions.

However, proposal 17 acknowledges that the statutory protections of listed building consent and conservation area status have worked well. Despite this, the White Paper proposes to 'review and update' their planning framework. Little detail is provided, but the focus appears to be on making it quicker and easier to adapt historic buildings for new uses and ensure they have the right energy efficiency measures to support the government's zero planning objectives. Once again, we believe that it is important to get the right decision not the fastest.

PillarThree–Planning for infrastructure and connected places

A CONSOLIDATED INFRASTRUCTURE LEVY

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

More affordable housing / Design of new buildings /Greenspace.

22. **(a) Should the Government replace the Community Infrastructure Levy and Section106 planning obligations with a new consolidated InfrastructureLevy,which is charged as a fixed proportion of development value above a setthreshold?**

Not sure. The removal of the blunt and inflexible Community Infrastructure Levy, that no-one appears to like, is welcome.The proposed infrastructure levy contains interesting possibilities but again the White Paper is too light on detail for us to properly assess how it will function. Section 106 agreements between developers and councils are one of the few ways we get social housing built these days. So it makes no sense to remove this route to genuinely affordable homes without a guaranteed alternative.

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

Locally. In regeneration areas with low demand and low economic viability for private development, a national rate may deter investment. A local rate will be more sensitive to local economic circumstances and encourage regeneration.

(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?

More value. The betterment value of land resulting from planning permission granted by the local authority must be captured for the benefit of the local community.

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

Yes. As payment will not be due until occupation, it is important to give local authorities the ability to borrow against the revenue which the tax raises to enable forward funding of infrastructure.

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

    Yes.

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.

25. **Should Local authorities have fewer restrictions over how they spend the infrastructure levy?**

    Yes

    (a).If yes,should an affordable housing 'ring-fence' be developed?

    Yes.

Delivering change

Resources are the key here and a comprehensive strategy to ensure that suffcient funding and skills are available would be very welcome. The Royal Town Planning Institute believes that a £500 million investment in England's planning system over the next four years is required to achieve thegovernment's objectives.

What happens next

Equalities impacts

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 support the requirement that local authorities should consider all individuals when carrying out their planning functions, including the desire to involve awide cross-section of the community when undertaking public participation. However, this often requires more resources. For example, "Planning for Real" weekends have been successful where they have been carried out, but they involve engaging an impartial facilitator (usually a planner or an architect) to help the local community articulate their views followed by a high-level meeting where those local people can present their ideas direct to planners, developers and decision-makers.