By email:
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xxxx October 2020

Civic Voice Response to Planning White Paper – working draft v4 26/10/20

About Civic Voice

Civic Voice is the national charity for the civic movement. We are campaigning for a more accessible, balanced, collaborative, and democratic system, as set out in our Manifesto[1]. Since we set up in 2010, we have been joined by hundreds of volunteer-led, community based civic societies with over 76,000 individual members. Civic societies exist in over 70% of local authority areas and are one of the most numerous participants in the planning system. 71% of our members agree that the country needs to build more homes and we submitted this as part of our evidence to the Building Better Building Beautiful Commission (BBBBC) in April 2019.

Our high-level response to the Planning White Paper is that we:

Support Proposals XYZ

We do not support Proposals XYZ

Our opinion was divided between support and non-support of Proposals XYZ.

In our responses to the direct questions below, we answered 'yes' to X questions, 'not sure' to X, and 'no' to X questions.

We note that our support for these identified proposals is in principle only, but further support would be subject to future clarification for, or significant change to the remaining proposals.

How we developed our response

Civic Voice welcomes the opportunity to comment on the *White Paper: Planning for the Future*. Since the White Paper was published for consultation on 6 August 2020, Civic Voice has been meaningfully engaging with its members through a variety of online surveys, regional member briefings and roundtable discussions, webinars, newsletters and blogs, to gain views on the proposals from across the civic movement[2].

Through this extensive consultation over **700 unique individuals** have responded to our online surveys. We held **16 online events** and engaged with over **1300 people.** 150 civic societies (all Civic Voice members) have participation in the Civic Voice consultation process with **49 civic societies** directly submitting written responses. At least x societies are intending on responding…

The scale of interest in the Planning White Paper and our work, exceeded our expectations and so we made the decision to have an open access policy on webinars. That being said, this response is informed by Civic Voice members.

In drafting our response, we were supported by a working group consisting of; 2 former MPs, a former Chair of a local authority Planning Committee, a former Planning Inspector, 2 former senior civil servants, a former lecturer in planning law, and a national expert on neighbourhood

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[1] http://www.civicvoice.org.uk/uploads/files/Manifesto_FINAL_Screen_version.pdf
[2] http://www.civicvoice.org.uk/campaigns/planning-for-people/ and http://www.civicvoice.org.uk/get-involved/events/

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planning – all of whom are active members of local civic societies. A second working group, consisting of regional volunteers, also supported/challenged our thinking on various issues. We also shared draft answers with the civic movement, throughout the consultation period, to allow members to further shape our response. We discussed our response with the All-Party Parliamentary Group (APPG) for Civic Societies.

Our work programme comprised five key tasks, including an inception meeting with the working group and a general call for thoughts via our membership newsletter. We also participated in conversations with Number 10 and MHCLG and with others in the sector about their thoughts of the White Paper. These conversations and initial feedback from members helped to shape our initial briefings, surveys, and regional workshops.

Further workshops were held on a weekly basis to reflect on the messages and emerging recommendations of the previous events. We also shared with our members draft responses to the questions to allow feedback. These events and question responses then shaped our second and third surveys.

Collectively, this consultation feedback and input from Civic Voice members, together with our manifesto calls and evidence submitted to the BBBBC[3] last year, has informed our response to this consultation.

Our response to the White Paper

Civic Voice accepts that the current planning system is not perfect, has become overly complex and is not providing enough high-quality places. This frustrates local communities and has led to a breakdown of trust in the system, with just 2% of the public trusting developers and only 7% trusting local authorities, when it comes to planning for large-scale development, according to research by Grosvenor[4]. Responding to a survey in 2019, 75% of Civic Voice members stated that they strongly disagreed or disagreed with the statement, 'It is easy for residents and community groups to influence the planning process'. We must acknowledge that the current system is not working for communities, who feel the balance of power has swung too far towards central government and developers, so in that spirit, we do welcome the opportunity to consider needed reform.

Nevertheless, we believe that 'planning matters'. The system puts important safeguards in place to prevent poor development outcomes, that can have a lasting detrimental impact on people's lives and our built, historic and natural environment, and has a critical role in balancing social, economic and environmental goals. With this in mind, Civic Voice welcomes the opportunity to shape future planning reforms for the better and, based on our conversations and meetings with Ministers, members of the Task Force and civil servants, we understand the White Paper to be a genuine attempt to tackle current challenges. We have, therefore, framed our response to the consultation in this spirit of helpfulness, seeking points of clarification and offering positive suggestions where possible.

As part of our survey, we asked local civic societies how much they knew about the White Paper, with 87% of respondents saying that they had spent time reading it and 71% saying that

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[3] http://www.civicvoice.org.uk/campaigns/beautiful-broadband-britain/
[4] https://www.grosvenor.com/our-businesses/grosvenor-britain-ireland/building-trust

had attended at least one webinar on the subject. However, a common concern from our workshop discussions, is that the proposals in the White Paper are vague, generalised and it is difficult to envisage exactly how they may work in practice. The fear is that there is not enough detail to be able to make an accurate judgement on some of the proposals. **For this reason, we must caveat our response and reserve the right to comment further on the proposals, if they are taken forward.** We are happy to assist Ministers and civil servants in this process.

Our detailed response to the consultations questions is set out in Appendix 1 but, for clarity, we wish to highlight three key points from our response.

1. We welcome the opportunity for earlier and more meaningful engagement, but not at the expense of reducing the right for communities to make representations at a later stage.
2. Best in class engagement means having meaningful time and a meaningful role
3. Let's develop the digital but not to replace the physical.

We will cover each point in turn:

1. **We welcome the opportunity for earlier and more meaningful engagement, but not at the expense of reducing the right of communities to make representations at a later stage.**

Civic societies are local people, with an active interest in their local area. They have a focused understanding of how the planning system works, based on many years of professional and voluntary experience. They are groups that understand how various planning applications could impact upon local communities, and they provide those communities with an effective conduit to respond to planning applications in a non-party political way. They bring enthusiasm and energy to the planning system through thousands of unpaid hours scrutinising applications to ensure they deliver the best outcomes for local areas. They support growth with 71% accepting the need for more housing. In a more recent survey 48% were broadly supportive of the White Paper's housing target of 300,000 homes and 27% saying they were unsure and wanted more information.

It is with great regret therefore, that our members feel as though the voice of the community is being diminished in the way that the White Paper is currently worded. The questions posed in the consultation are constructed in such a way that it is difficult to ascertain the true meaning behind issues that really raise concern within the White Paper.

In our survey of our members, conducted towards the end of the consultation period, 79% of Civic Voice members thought that community groups will have less influence on the system; 77% thought it will be a less accessible planning system to engage with and 86% thought the proposals to introduce zoning and reduce the role of planning committees makes the planning system less democratic.

We welcome the ambition to encourage greater, early, and more meaningful community engagement in the development of Local Plans. This chimes with our own research that 84.4% of our members want civic societies and communities to have an earlier voice in the planning system. However, the local plan stage should not be the sole place for meaningful engagement and should not lead to reduced opportunities for engagement later in the process, when further detailed information becomes available.

As a charity that works with community groups, we know that it can be difficult to get the public involved in planning at the conceptual or strategic level – and it is often not until detailed plans come forward with visualisations that people can really understand what is being proposed for their neighbourhood. This is drawn out in our survey responses with only X% of civic societies saying that they know this is the stage when then can potentially have more influence. This low figure demonstrates the challenge that will exist in trying to front load community engagement at this stage. If our network – one of the most numerous participants in the planning system – think it will be hard to engage at this stage, it shows how challenging it will be to engage the wider public.

Civic Voice would be willing to work with Government to pilot a way for civic societies across England to work at this stage in the reformed system.

We are concerned by and disagree with the phrase in Para. 1.16 (3rd bullet point), *'we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes'*.

This is hugely dispiriting to the civic movement, when 77% of our members say that the statutory consultation period for individual planning applications is the main stage in which they engage with the planning system. As the proposals currently stand, we are concerned that much of this consultation will disappear.

Civic societies add value to the process, bring helpful local context, and knowledge of a local area to aid decision making. Communities know their areas better than anyone. We must ensure there are opportunities for this local input as development schemes evolve and make their way through the planning process.

In conclusion, we welcome the opportunity for earlier and more meaningful engagement in the planning process, but not at the expense of reducing the right for communities to make representations at the later, planning application stage.

2. Best in class engagement means having meaningful time and a meaningful role

As highlighted in our response to the questions, we appreciate the ambition to speed up the plan making process, however, we do not think the 30-month timescale is long enough, given the level of complexity that will be involved in producing new style local plans and their increased importance.

Members' feedback has been clear that the aim to completely reform the system and, at the same time speed things up, is at odds with the ability to meaningfully engage local communities.

Reference is made to "comprehensive" and "best in class" ways of achieving public involvement but there is no real detail on what the government considers this to be. Whilst we support the ambition for early community involvement in local plans and 'best in class' public engagement, it must be recognised that this will be challenging when the current level of community engagement in local plans is so low and the nature of plan making is more intangible and longer term. However, that is not to say that we should not try, and civic societies welcome the

opportunity to have a role in shaping plans and encouraging the wider community to get involved.

The proposed timescales for meaningful engagement need to be realistic.

Whilst we support faster and more streamlined production of local plans, it is unreasonable to set an arbitrary statutory timetable before the exact nature of the new system and the detail and practicalities of its workings are known. We doubt whether stage 1 consultation of 6 months is sufficient and recommend a pilot is put in pace to see if this is realistic. Civic Voice would welcome being part of such a pilot. Additionally, the proposed stage 3 consultation at 6 weeks is far too short. We say this when this appears to be the first-time communities will be able to see the proposed local plan and examine the detail contained within it.

We accept that there may be advantages in greater use of digital technology in this process but we must also follow international best practice to ensure there are sufficient feedback loops in the process to help explain to communities, the complex matters being considered and the reasons for local authority's proposed plan. Further feedback loops would also help to prevent communities being surprised by the final plan and a feeling of being presented with a 'fait accompli'. As such, we recommend that the stage 3 consultation is increased to 12 weeks.

During the pandemic, many local authorities utilised digital platforms to crowdsource ideas, something that we welcomed. However, crowdsourcing ideas via a digital tool, whilst bringing forward 'mass' ideas, may not necessarily be 'meaningful'. What happens when all this data is collected? Who then makes the decision in how to use the information? And what for? Is this the council? How do you decide? How is this fed back to the participants? Is there further opportunity to debate the findings? These questions need to be answered.

We must query as to what government see as 'meaningful consultation' with digital tools.

To demonstrate its commitment to 'best in class' engagement, we call on the Government to adopt the proposal in the Government's Communities Framework[5] published in July 2019 to *'strengthen community involvement in local placemaking… through a planning system centred on community involvement with statutory rights to become involved at every stage from plan-making to planning application.'*

If civic societies are given a formal role in the planning system, the outcome will not be nimbyism and opposition, but better, and more appropriate development. Civic societies support high quality development and actively shape it. Civic societies can also play a key role as a 'Community Connector' to ensure that the wider community is aware of proposals and to give people a mechanism to have an independent voice.

In view of this, we recommend that civic societies have a formal role at the local plan stage with opportunities to shape the plan throughout the process from its inception to examination. This is supported by 87% of our members who want to see civic societies given a statutory role.

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[5] By deeds and their results: How we will strengthen our communities and nation (July 2019), p.16: https://www.gov.uk/government/publications/by-deeds-and-their-results-strengthening-our-communities-and-nation

Let's develop the digital but not to replace the physical

Wholesale changes to introduce digital engagement into the system are long overdue so we welcome the emphasis on using data and digital methods of communication with 66% of our members supporting the introduction of digital technology into the system, with 11% opposed and 22% unsure.

Developers and local authorities acknowledge that positive community input through the planning process results in better outcomes. Our members agree with this, but we must query as to what government see as 'meaningful consultation' with digital tools.

During the pandemic, many local authorities utilised digital platforms to crowdsource ideas, something that we welcomed. However, crowdsourcing ideas via a digital tool, whilst bringing forward 'mass' ideas, may not necessarily be 'meaningful'.

What happens when all this data is collected? Who then makes the decision in how to use the information? And what for? Is this the council? How do you decide? How is this fed back to the participants? Is there further opportunity to debate the findings?

One system used by Leeds City Council was working with CreateStreets and Leeds Civic Trust whereby CreateStreets was able to crowdsource the ideas, they then shared this across social media. It then allowed groups such as Leeds Civic Trust to use the data to inform their local campaigns. We could also point to campaigns by other digital tools including Common Place and PLACED.

However, the increased use of digital technology will need to be adequately resourced nationwide and well planned, especially given the history of large, centralised, IT projects not being delivered on time and within budget. There is a risk that moving away from "notices on lampposts", to a solely interactive and accessible map-based online system could reduce accessibility and transparency particularly for those members of the community who are not digitally connected.

The aspiration for greater digital is welcomed by our members, and if done well, it could encourage greater public involvement, however, some acknowledge that they are struggling to see how digital will work with new 'visual local plans'. We encourage the Government to start a pilot quickly to bring this to life and Civic Voice would welcome working with officials on this to engage the community.

Our message is clear, for best in class engagement to happen, we need both physical and digital approaches. We need to ensure that more traditional methods of communicating e.g. site notices, face-to-face discussions continue to complement more digital methods of engagement.

SIGNATURE ETC

Appendix 1: Consultation questions

A NEW APPROACH TO PLAN-MAKING

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

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

No

Civic Voice is supportive of the ambition to simplify the Local Plan process, but we are not convinced these proposals will achieve this aim.

We are concerned that the proposed three categories of land will over-simplify the complex issues Local Plans will have to deal with. For example, what would happen at the edges of zones, to prevent unacceptable impacts e.g. between a Growth area and a Conservation Area (Protected area). Furthermore, we are concerned that Local Plans will remain reactive documents, based on a large 'call for sites' exercise, mainly for housing land, when the ambition should be for proactive place shaping Local Plans where Local Authorities are encouraged to find innovative solutions to tackling complex problems in their area.

It is with that in mind that we must make it clear that we feel these proposals prioritise growth over place-making in a drive to increase the level of housing delivery. Simplifying local plans to be able to allocate more land for housing under the new system, with a faster consent process, will not deliver the Government's ambition for 300,000 new homes per year. 300,000 homes a year has not been achieved on a sustained basis, and not seen since 1968, when there was large council house building programme. 2013 had the smallest number of completions since 1946, but housebuilding has increased year-on-year since then with completions in 2017 higher than the number in 2008

There are complex reasons for - this is not solely down to the planning system, but of the economy and the capacity and willingness of the housebuilding industry to build at that level.

Simply streamlining the system, will not address the fundamental market and deliverability issues that are recognised as key barriers to delivery.

The danger with moving to a system which is simplified and with 'fixed' rules to create certainty is that it is impossible to fully envisage all the potential impacts and unintended consequences that may result. To overcome potential unintended consequences of simplified plans, inevitably, the land allocations will have to go into fine grained detail and 'the rules' attached to Local Plans will become more complex and prescriptive, which is counter to the Government's aims for a streamlined system.

We consider the proposed new style Local Plans will place even greater demands on local planning authorities. As proposed, local planning authorities will be required to set out in detail what form, design and scale of development would and would not be acceptable in each part of their area. We cannot underestimate the time it will take to undertake such an exercise. At

present, proposals are considered on their merits applying generic policies. If, as proposed, policies and design codes are to remove uncertainty for developers, the scope for judgement in relation to visual impact, beauty, safety, and other important matters will be greatly reduced. We fear that Local Authorities simply will not have the resources, time, or expertise to produce detailed, high quality design guides and codes for every possible development in every part of their area. In the absence of these, the white paper proposals would reduce their ability to resist poor quality development.

Nevertheless, if the proposals are taken forward, we welcome the inclusion of Conservation Areas within Protected areas, to enable full consideration of proposed development through the standard planning application process.

There could also be merit in Growth areas being required to have accompanying enforceable masterplans and design guides/codes, to prevent the dilution of the design of large schemes at a later stage. However, for the above reasons, we have concerns over the wholescale reform of Local Plans.

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

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 planning process, we are opposed to all development management policies being set nationally.

There is no doubt that the present system can be unwieldy, and we recognise that some local requirements and planning conditions can be expensive and onerous for developers. Including centrally placed policies and a degree of standardisation on these matters may help to improve that. But there are many aspects of a development which will impact uniquely on the local area and cannot be dealt with by one-size-fits-all policies and automation.

Therefore, we prefer the second alternative suggested in Para 2.16 of the White Paper which would allow local authorities flexibility to set their own policies as under the current Local Plan system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed. This would enable local authorities to set policies to reflect local circumstances where necessary, such as special local architectural character and heritage or over-concentration of student accommodation in residential areas.

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

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

The proposed removal of the Duty to Co-operate is worthy of discussion, as feedback from our members has been that whilst it has worked well in some places, it has not always been an effective replacement for regional spatial strategies in others, with some Local Plans failing the legal test at the examination stage[6], having to start the process again.

There is some suspicion that local authorities who do not want to adopt a local plan because it may be politically contentious are using the Duty to Co-operate as a 'get-out' clause. It is much easier to blame the Planning Inspectorate as to why a local plan has not been adopted than for local politicians to show leadership and make difficult decisions. With difficult decisions comes political accountability. One civic society commented that it is a 'duty to engage' and not a 'duty to agree' and we query, where is the incentive for local authorities to plan positively to meet development needs across administrative boundaries, when there is no requirement to agree? This is particularly acute where there are constraints such as Green Belt, when development on such land has become so highly politicised. Perhaps the obvious answer is changing it from a legal test 'to Cooperate' to a legal test 'to Agree'.

In circumstances where the Duty to Co-operate is not working, there needs to be a mechanism to break the logjam where agreement can't or isn't being reached. Someone must take the difficult 'larger than local' decisions. Otherwise, development needs across the country will continue to be unmet.

Civic Voice welcomes the Government considering alternatives to Duty to Co-operate, but we do not support removing the current duty without fully considering all options and introducing a workable solution for the whole country, as we believe a vacuum in strategic planning in the interim could lead to further delays and make it more difficult to ensure that enough new homes are planned for.

Before the Duty to Co-operate is removed, we must have a certainty over its replacement.

It is essential that we have 'larger than local planning' to ensure that we plan to meet needs and tackle the bigger issues that cross boundaries such as addressing climate change, providing strategic infrastructure to support economic and housing growth and tackling regional inequalities through the 'levelling up' agenda. This is where collaboration between Government and stakeholders, including communities, is needed. For it to be valuable, early, and open engagement needs to happen, to help build public trust.

We must accept that making difficult decisions about housing is going to upset some people, but it must be done for the greater benefit of society.

In terms of possible alternatives, currently, there is a messy picture of strategic planning arrangements and governance across the country with some statutory joint strategic and local plans, a regional plan in London, and a series of non-statutory strategic growth frameworks/plans. Some parts of the country have Combined Authorities and Metro Mayors and we are aware of the Government's plans for further devolution and reorganisation of local government. There are also 38 Local Enterprise Partnerships (LEPs) within England with different geographic boundaries to local authorities and joint/strategic plans. In view of this, any replacement mechanism for the Duty to Co-operate must be mindful of the existing strategic

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[6] https://www.planningresource.co.uk/article/1681910/why-councils-struggling-meet-duty-cooperate

plans and bodies, provide some consistency across the country and ensure that the 'sum of the parts meets the whole'.

It may be appropriate for Mayors of combined authorities to oversee the strategic distribution of housing and other development requirements, however, without complete coverage across the country, this proposal alone would not address the collaborative strategic approach that is needed. We also believe that any strategic planning bodies going forward such as Combined Authorities must have an accessible, balanced, collaborative and democratic process, which involves communities at an early stage, to ensure that any strategic plans remain rooted in local communities.

Going one step further, to show commitment to the 'levelling up' agenda, Civic Voice also believes there is a need for a national spatial strategy. To quote the UK 2070 Commission[7], "Currently, the future of the UK is being shaped by the incremental, short-term and ad hoc nature of government policy".

We should not be looking for the popular decisions but should be looking for good decisions and the right solutions. We support the UK 2070's commission call for a national spatial plan.

Civic Voice believes that we need a national spatial strategy which sets national priorities and within that framework we would have regional or sub-regional planning, and then a network of local plans.

A national spatial strategy would be a planning framework to plan for the whole of England, with aims to improve, balance up, and deliver the objectives of the country from housing, climate change, infrastructure, social equality and would be the place to meaningfully start to tackle the national 'levelling up' agenda.

There is potential to start this work quickly by appointing a new body, chaired by the Planning Minster, with the ability to reach across government departments and bring together existing national organisations such as the National Infrastructure Commission, HS2, Northern Powerhouse and Homes England. Without the national leadership, we will not address the challenges we face. This could be the single change to the system that could form part of the radical solution that the Government wants.

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.

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[7] http://uk2070.org.uk/wp-content/uploads/2020/02/UK2070-FINAL-REPORT.pdf

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

Not sure

Civic Voice supports the principle of having a clear, simplified and standardised methodology to calculate the level of housing that local authorities should plan for, to remove lengthy debates over housing figures and to provide certainty in delivering the homes the nation needs.

However, a standard method must have the sensitivity and flexibility to be able to accommodate local constraints and circumstances – for example, local employment hotspots generating high demand for housing and areas of low economic growth that may also have a growing demand for more housing.

We believe that sub-regional or regional planning as part of a national spatial plan should play a role in determining the allocations of OAHNs amongst the participating authorities. Government guidance at a national level should be limited to the furtherance of its aspiration for 'levelling up' the economies of the English regions. It should be the job of a regional or sub-regional Plan to interpret this method to provide a context for Local Plans

Regardless of the method that is agreed upon, Civic Voice must make clear is that it needs to be developed in an open and transparent manner. Community groups across the country need to have faith and trust in the system and need to be able can understand the rational and thinking behind the figures being set for their local area.

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

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

We have some sympathy with the proposal to ensure the principle of development is agreed at the Local Plan stage, providing the wider community has been meaningfully engaged throughout the plan-making process. We say this in the context that Growth areas appear to be similar to 'allocated sites' in the current Local Plan system, although the parameters for 'substantial development' will need to be defined. There may also be merit in the proposal for Growth areas to be required to have accompanying enforceable masterplans and design guides/codes, to prevent the dilution of the design of large schemes at a later stage. If taken forward, we believe the masterplans and design/codes will be a necessary part of the system to ensure high quality design and good place-making.

Overall, we have concerns as to how this proposal will work in practice.

We consider automatically granting outline consent for Growth areas through the new style Local Plans will place even greater demands on Local Authorities. To be able to decide on whether a development is acceptable in principle may require additional evidence and studies e.g. transport, ecological, drainage, historic character assessments etc. In the current system, the applicant is required to provide this information depending on which matters are being discharged for outline consent e.g. scale, appearance, means of access, landscaping and layout. We fear that in the new system, the burden of providing the appropriate evidence to be able to allocate Growth areas and decide those 'in principle' matters, will be placed on Local Authorities, rather than those promoting sites. And without such evidence, and careful consideration of detailed constraints and potential impacts of sites, this could enable poor-quality or inappropriate development to come forward. A faster process must not be at the expense of full consideration of traffic, ecological, drainage, and other important facets of development.

With respect to faster routes for detailed consent, it is not clear what these might be as various consent routes are suggested, but we strongly oppose the idea that public consultation is excluded from this part of the process. Design codes will never be able to be 100% prescriptive and there will always be room for interpretation of intentions at detailed design stage which must remain open to challenge.

77% of our members say that the statutory consultation period for individual planning applications is the main stage in which they engage with the planning system. As the proposals currently stand, we are concerned that participation at this stage will disappear.

Civic societies add value to the process, bring helpful local context, and knowledge of a local area to aid decision making. Communities know their areas better than anyone. We must ensure there are opportunities for this local input as development schemes evolve and make their way through the planning process.

In conclusion, we do not support this proposal for growth areas as it will reduce the right for communities to make representations at the later, planning application stage.

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

Not sure.

There is already in law a presumption in favour of development unless the planning authority considers that there are good planning reasons, which can be defended on appeal, to prevent it. The ability of planning authorities to consider the appropriateness of individual developments within built up areas, and of the public to contribute to this process, must be retained.

Granting outline planning permission for 'Growth Area' sites in local plans will achieve little. It will still be necessary to deal with access, drainage, design and a host of other factors, including contributions to affordable housing and other infrastructure, and dealing with these as reserved matters will take just as long as dealing with a full planning application.

The first method suggested for granting consent – pre-specified forms of development – are effectively the same as the recent permitted development rights (PDR) amendments, brought in without proper consultation. Changes to PDR to allow conversions from B1 use to dwellings have proved detrimental to quality and their likely effect on health and well-being. Certainly, they undermine the professed commitment to "beautiful" design and government space standards.

This would only be acceptable if the pre-specification included extensive requirements to ensure they meet certain standards and allowed scrutiny by LAs and were subject to public consultation.

9(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 in such developments. Although new settlements may be nationally significant its primary impact will be local.

Civic Voice believes that housing provision cannot be tackled in isolation, it must be considered and planned together with employment opportunities and the infrastructure requirements to help support and build communities. Large scale housing development must be co-ordinated strategically as part of a wider framework, linking in with major/national infrastructure development.

As outlined in our answer to question 7b, we believe the Government urgently needs a national spatial plan to give the national leadership needed to address so many critical issues facing the country. If there is a need for new settlements, we believe they should be considered as part of a national plan.

This proposal also highlights the tension between the Government proposals for increasing the depth of public engagement in planning their areas, and the lack of adequate public engagement in national infrastructure projects. We would be willing to work with the Government to explore this option further.

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

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

No

The planning system can only be speeded up by either reducing the level of detail that is currently required in the decision-making process and/or by reducing public participation. We reject both options.

"Streamlining" by reducing the ability of the public to engage is a backward step based on the misunderstanding that public engagement delays decision-making. What the paper fails to recognise is that public engagement is a key element in local democracy and very often results in better plans and better schemes being built. Developers and local authorities acknowledge that positive community input through the planning process results in better outcomes. The fact

that 90% of planning applications are granted without opposition, shows that public participation, in the main, is not delaying decisions.

The housing crisis isn't just about numbers, and deregulation and reducing detail won't solve it. It is important to get the right decision, not the fastest. Once a development is built it lasts for many years.

If housing supply remains under solely the control of commercial housebuilders whose activities are determined entirely by market forces, we will never meet the 300,000-target set down in the white paper. Increasing the supply of building land with planning permission for commercial housebuilders will make little difference to the rate of supply. There is already several years supply of approved land that remains undeveloped so just adding to this will not deliver the step-change required.

There is no doubt that the present system can be unwieldy, and we recognise that it takes too long to make a local plan, but there are many aspects of a development which will impact uniquely on the local area and cannot be dealt with by one-size-fits-all policies and automation..

Whilst welcoming the introduction of technology, it cannot become an automated planning system. There should not be an over reliance on technology to help decide whether a planning proposal meets the requirements of a design code. This is likely to result in a uniformity of development which would not meet the aims of building beautifully. Quality and speed will only be achieved through the appropriate interpretation of design codes, subject to independent scrutiny by well-resourced local authorities and well engaged communities.

Finally, in the aim to speed the system up, we are concerned about the consequences to democracy. We must make it clear that we fear that there will be no role for organisations like civic societies in commenting on individual planning applications. Currently, 77% of our members inform us that the main stage that they engage in the planning system is at the statutory consultation period for individual applications, so we are concerned that if people are not allowed the opportunity to respond on individual applications, a large part of the voice of communities will be removed.

So, whilst we welcome the ambition to speed the system up, we cannot support the proposals in the current format due to the impacts on public participation.

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

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

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

Yes

Our members acknowledge that if done well, digital engagement could encourage greater public involvement by making the system more accessible and transparent. 66% support the need for the introduction of digital to the system, with 11% opposed and 22% unsure.

During the pandemic, many local authorities utilised digital platforms to crowdsource ideas, something that we welcomed. However, crowdsourcing ideas via a digital tool, whilst bringing forward 'mass' ideas, may not necessarily be 'meaningful'. What happens when all this data is collected? Who then makes the decision in how to use the information? And what for? Is this the council? How do you decide? How is this fed back to the participants? Is there further opportunity to debate the findings? These questions need to be answered.

We can see how Plantech can certainly encourage greater contributions from many individuals, but what happens after an individual puts forward a comment to an online system. How is this then considered as part of a local plan? Simply asking people for comments and contributions about issues locally, may, on the face of it, seem a good move, but what if it generates 100s or 1000s of comments that are not relevant to the preparation of a local plan? People need to know that their contributions are valuable and will make a genuine difference.

We must query as to what government see as 'meaningful consultation' with digital tools.

Digital technologies are good at enabling quick communication between citizens, planners, and decision makers and many Plantech firms are now operating in this space. Use of digital and social media should certainly be considered as an essential part of engagement and consultation. However, engagement and consultation activities also need to be inclusive, including those people with limited or no access to IT. There is a risk that moving away from "notices on lampposts" to an interactive and accessible map-based online system could reduce accessibility and transparency with those who may have useful knowledge and experience of a local area but are not digitally connected.

Our message is clear, for best in class engagement to happen, we need both physical and digital approaches. We need to ensure that more traditional methods of communicating e.g. site notices, face-to-face discussions continue to complement more digital methods of engagement.

Finally, the increased use of digital technology will need to be adequately resourced and well planned, especially given the history of large, centralised, IT projects not being delivered on time and within budget.

Digital is not a panacea, but it will help.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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.

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

No

While we support faster and more streamlined production of local plans, it is unreasonable to set an arbitrary statutory timetable before the exact nature of the new system and the detail and practicalities of its workings are known. Furthermore, the proposed timescales for meaningful engagement need to be realistic.

We doubt whether stage 1 consultation of 6 months is sufficient and recommend a pilot is put in place to see if meaningful community engagement is achievable in this timeframe. Civic Voice would welcome being part of such a pilot. Additionally, the proposed stage 3 consultation at 6 weeks is far too short. We say this when this appears to be the first-time communities will be able to see the proposed local plan and examine the detail contained within it.

We accept that there may be advantages in greater use of digital technology in this process but we must also follow international best practice to ensure there are sufficient feedback loops in the process to help explain to communities, the complex matters being considered and the reasons for local authority's proposed plan. Further feedback loops would also help to prevent communities being surprised by the final plan and a feeling of being presented with a 'fait accompli'. As such, we recommend that the stage 3 consultation is increased to 12 weeks.

We would welcome clarification from Government on what the interventions may be, if an local authority does not get a local plan in place in the statutory time-frame. We doubt whether local authorities have the resources and skills to create and deliver the new style plans for their areas as well as the masterplans and design guides required for all growth areas. We also have doubts whether the Planning Inspectorate's resources would be able to cope with so many plans so quickly. We can see a backlog of plans occurring at the examination stage.

Even if all the resources are made available, our members 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. Members have been clear in their feedback that the aims to completely reform the system and, at the same time speed things up, is at odds with the ability to meaningfully engage local communities.

We do not think the 30-month timescale is long enough, given the level of complexity that will be involved in producing new style local plans and their increased importance. Whether the time is sufficient will only be seen when it is in operation, which is why we recommend Government initiates a series of pilots to test the proposal.

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

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

Yes

The potential of Neighbourhood Plans has not been fully appreciated in the White Paper. On the face of it, the White Paper implies that Neighbourhood Plans will have a diminished role in the system, centred on preparing design codes and guidance. This may be appropriate for some areas, but some Neighbourhood Plans are concerned with a much wider range of issues e.g. site allocations to meet the needs of the local community, locally specific housing or employment

policies and identifying local green spaces etc. Diminishing their role will weaken the ability for communities to shape their local area.

An option to allow Neighbourhood Plans to be prepared for much smaller areas, such as individual streets, does not consider the fact that there are considerable statutory requirements and resourcing implications which will apply regardless of the size of area covered.

Consideration must be given to the amount of time and effort local communities have put in to preparing neighbourhood plans. It is unclear how adopted Neighbourhood Plans, or those that are a significant way through the process, will fit within the new system or what weight they will have in decision making. Given the time, effort, and enthusiasm that local communities will have put into preparing their plans, it is important they are not forgotten in the new planning system.

The government needs to clarify the role and status of existing and new Neighbourhood Plans in the revised system.

We would welcome the opportunity for communities to be able to bring forward Conservation Area Appraisals in a similar way to neighbourhood plans.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

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

The need for this emphasis suggests that the problem of delivery is not simply the planning process but also the failure of commercial house builders to deliver on existing permissions.

We welcome efforts to support a greater emphasis on build out and also preventing the watering down of the quality of design through later phases of development.

Pillar Two – Planning for beautiful and sustainable places

CREATING FRAMEWORKS FOR QUALITY

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.

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

Yes

Many developments across England suffer from generic, often poor-quality urban design as the *Living with Beauty* report articulates. This view is supported by the National Housing Audit that found that 54% of recent large-scale developer led schemes were mediocre, 19% poor, 1% very poor, and 1 in 5 should have been refused planning consent.

This poor design is in part influenced by the Local Plan process in England, and the lack of creativity that can go into setting visions for large-scale developments and also the ability to ensure that high-quality masterplans are delivered on the ground.

The emphasis on design codes and good design is clearly welcomed by Civic Voice members. Based on 151 responses to a Civic Voice survey (undertaken in Sept 2020), 79.6% respondents supported the idea for design guides and codes to have a more central role in the system. However, the clear concerns from our members are focused on (1) how the codes are created and (2) how they work in practice to ensure that the quality of development is delivered.

We have 3 substantial comments to make:

Practical arrangements

We do not think it is realistic to expect a local authority to be able to code all land within a local authority boundary. The resources, time and cost needed to undertake such an exercise would be so large, it would never be a strategic priority for a local authority. However, we see the potential for local authorities to produce design codes for specific sites/areas e.g. growth areas or protected areas. We struggle to see how codes will work in renewal areas, which would appear to cover much of our existing built up area.

There should be a sensible transition period in which communities can concentrate on getting guides/codes in place (plus funding and up-skilling), during which the current discretionary approach should remain.

At what point should a community group start to campaign for their local authority to produce a local design code? Whilst we have lots of interest in this proposal, there will potentially be a period of two planning systems while we transition from the current system to the proposed one in the White Paper. If a community were to try to implement a code, based on the forthcoming National Model Design Code, how much weight would it have? Would it quickly become out of date? Could you produce design codes before the local authority has allocated its growth, renewal, and protected areas through the new style local plan?

With the emphasis on local authorities producing local plans within a shorter timeframe than ever before, we think it is unrealistic to also expect them to prioritise design codes until local plans are in place.

We welcome the expectation that local design guides and codes will be prepared with community involvement but still consider formal consultation should be required before local design codes are adopted. We welcome the proposal to measure public support for codes but are unsure at this stage how 'empirical evidence of what is popular and characteristic' could be gathered.

We think that any community group that is named in the Statement of Community Involvement should be allowed to prepare local design codes, with access to funding and expert support from the proposed national body, not just neighbourhood planning groups. The local planning authority must remain continue to have oversight of the process.

If the default is the National Model Design Code, is this really localising decision making? How much weight will the National Model Design Code have when it is published? What is the incentive for a local authority to decide to take forward a local design code when they are under resourced and being pressured on local plan issues, when the default position is the national code? Why should they do it? The sceptic in us fears that under these circumstances planning departments will think, let's just use the National Model Design Code and not worry about the public engagement and producing our own. We say this as we know that numerous local authorities have not wanted to encourage neighbourhood planning for similar reasons. What carrot and stick approach will Government use if certain local authorities choose not to take forward design codes?

Will the design codes give communities confidence?

We welcome several comments within the consultation, particularly paragraph 3.8, which states:
"It will be essential that they (design codes) are prepared with effective inputs from the local community considering empirical evidence of what is popular and characteristic in the local area"

We acknowledge the fact that developers could bring forward design codes but welcome the statement that it must be with effective inputs from the local community as outline here: *'To underpin the importance of this we intend to make clear that design codes should only be given weight in the planning process if they can demonstrate that its input has been secured from the community'*

The two key phrases here are defining "effective" community engagement and the "weight" given to local design codes when that has been achieved. We recommend that the National Model Design Code should define these terms and set standards for the level of meaningful community engagement that is to be expected.

At present, it is unclear as to what status the local design codes will have. Will they be equivalent to the existing 'supplementary planning guidance' or will they have the same statutory status as a local plan? This needs to be clarified by Government. Local design codes must have strong legal status if they are to have the confidence of the public and not be undermined by developers wishing to save costs.

It would be pointless for a local authority to produce a design code if they then chose to ignore it because of pressure from a developer. Therefore, if a developer brings forward a different design code that does not accord with the local authority's, it should be rejected. However, the

developer would be free to pursue their proposal through a normal planning application approach and subject to local scrutiny, justifying their reasons for the departure.

<u>How and who will produce them – what is the role of different players?</u>

We welcome the commitment that **"***It will be essential that they are prepared with effective inputs from the local community",* but the challenge will be to ensure that "effective input" is followed through. It is critical that local communities can positively engage in the preparation of local design codes to make sure developments truly reflect local character and environmental sensitivities.

We support the idea that local design guides/codes must be produced with community involvement to deliver high-quality designed schemes.

We know that many local authorities have different success rates when it comes to engaging with communities. A local planning team does not always have the necessary local knowledge about an area and that is why it is critical that local communities are engaged in the process. Sufficient resources and training must be available to all local authorities and the wider community, who are being asked to prepare the codes.

If the point of design codes being introduced is to help communities support development, those same communities must be involved in the local plan process.

We believe that Statements of Community Involvement could be the bedrock of community involvement but, unfortunately, far too many have become too long, out of date and out of touch documents. We recommend that the Government implements a 'National Statement of Community Involvement', that showcases 'best in class' engagement at the different stages of the planning process.

There should be formal consultation with the wider community before local design codes are adopted.

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.

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 agree with the need for a new national body to support building better places but have concerns with the chief officer proposal.

Civic Voice was a contributor to a recent leaflet considering a national Design Quality Unit in partnership with Place Alliance, Design Council, and others. Within the leaflet, we set out 4 aims for a new national body. They are:

- TO SUPPORT Enhancing design skills is the fundamental starting point for place quality requiring hands-on enabling of practice locally and dedicated, affordable, training
- TO ENGAGE Local and national expertise should be harnessed through a networked approach
- TO MONITOR An independent, national voice supporting programmes that are evidence-based and grounded in a willingness to challenge poor practice

- TO INSPIRE Programmes should be engaging, innovative, inspiring and collaborative, avoiding duplicating or undermining what others are already doing

We encourage MHCLG to consider the ideas proposed in this leaflet when considering the new national body.

We agree that the body should be "*tasked with driving up design standards and supporting local communities to produce design codes defining beautiful design in each community*" and it should offer practical solutions to aid local delivery.

It is important that the new body interacts with the national model design code, national design guide and local design guidance. The Government should set out the responsibilities of a new body at the earliest opportunity and consider further consultation with communities before progressing with this idea.

We would prefer to see a national body that local authorities would access as a source of advice and support and perhaps the body could provide a consultancy service direct when requested (for a fee) or have a list of approved consultants who they recommend – similar to the High Streets Task Force.

Whichever model is taken forward, the work must be grounded in communities. The design sector has become a profession, with a myriad of consultants and we know that many communities are put-off by 'outside experts'. Some consultants prefer certain approaches and often push that model as the solution, rather than finding the right solution for a local community.

As far as the Chief Officer proposal is concerned, our view is that it is not the business of national government to dictate how local government structures its services. It is enough to define statutory responsibilities and then let them get on with their own way of managing it. If consideration of design forms part of a new definition of statutory planning responsibility, then the local authority has no choice but to ensure that this is covered by its staffing structures in some way.

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.

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

Yes

Homes England should be leading the way. It is difficult to require local planning authorities, and commercial developers to raise the standard of design quality if the Government's own housing accelerator is not putting design quality at the heart of its strategy.

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.

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

No

Whilst the principles might be well-intentioned, we have witnessed the problems of widening permitted development rights in recent years. Without seeing evidence of this approach, we are unable to support it.

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.

The recent track record of GPDO amendments suggests they fall well short of achieving good quality, well-designed and beautiful development and fall well short of fully engaging communities in their creation. Converting offices to residential; demolishing and rebuilding; adding two storeys to random houses on an estate; all with very limited controls (none of which include a basic requirement of meeting the Government's own space standards), are all examples which do not instil confidence in this approach. If permitted development rights is seen as a means of speeding the application process, it must not be at the expense of quality: in addition to any new rights, we expect there to be reform of all existing rights, such reform to contain a requirement that those rights must include compliance with the same design quality standards that schemes needing planning permission have to achieve.

We welcome the idea of a series of pilots and would request that Government pause this proposal until a full and independent review of such pilots.

We object to the proposals to expand permitted development right. The Government independent report demonstrated it is not creating high quality development, which is one of the fundamental aims of this white paper.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf