Pillar One – Planning for development

1. What three words do you associate most with the planning

system in England?

Favours developers, unenforceable, planning applications the best opportunity to participate.

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

Yes

2(b). If no, why not?

[Don’t know how to / It takes too long / It’s too complicated /

N/A

3. Our proposals will make it much easier to access plans and contribute

your views to planning decisions. How would you like to find out about

plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post /

Other – please specify]

By email

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

[Building homes for young people / building homes for the homeless /

Protection of green spaces / The environment, biodiversity and action

on climate change / Increasing the affordability of housing / The design

of new homes and places / Supporting the high street / Supporting the

local economy / More or better local infrastructure / Protection of

existing heritage buildings or areas / Other – please specify]

Our priorities are the town centre as presently defined, its immediate surroundings and the capacity of the local authority conservation team.

These were identified through a survey of our members in 2017 and a workshop (HCT Annual Report 2018. The station gateway, regeneration of Halifax Town Centre around the cultural hub, making progress on the Hopwood Lane Triangle (regeneration opportunity) were the elements of this which have been summarised as our priorities. Much of this was taken forward through the Local Plan (now at the Examination Stage).

The issue of town centres merits a pillar of its own. The white paper does not incorporate the lessons of many recent reviews, for example Build Back Better, Grimsey Review Covid 19 Supplement Town Centres 2020.

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

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

No

The original concept of Town Planning, incorporated in the Housing, Town Planning &C Act (1909) was about zoning and incorporated ideas from Germany. This was gradually discredited in favour of a blend of plan making and discretionary approvals (planning applications) in 1947, and by 1968 a more flexible approach was fully adopted. Other advanced countries in Europe and North America have stayed with the zoning based system though there is no evidence presented in the White Paper that those systems actually work better either in terms of outcomes or processes, for example in quality of the built environment, number of homes or public involvement.

Our concern is that the three zones represent an over simplistic approach. The boundary of the zones will be absolutely crucial in terms of land value and there seems to be greater opportunity for a very legalistic approach. The NPPF has already moved us towards a central policy rules basis and our members have heard at least one QC say in a public forum that the lawyers are the key players in major planning decisions, not planning committees and the officers who advise them. Three types of zone does not reflect the complexity of an area even as small as ours and seems to ignore the special needs for example of town centre regeneration, where Halifax Civic Trust has recently successfully argued for a Supplementary Planning Document, as well as many previous battles where even heritage as important as the Piece Hall was under threat.

6. Do you agree with our proposals for streamlining the development

management content of Local Plans, and setting out general

development management policies nationally?

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

No.

The Halifax Civic Trust is in favour of streamlining processes. The delays to the preparation of our local plan can be at least partly ascribed to changing housing numbers, updates to the NPPF, housing numbers becoming a political issue at election time with the added strain of managing the impact of the pandemic. These risks would still be apparent in the new system which would be increasingly centralised. Central in the current system is the right of citizens at a local plan examination to appear before an Inspector and be heard (2004 Planning Act, Section 20 (6)). It is vital this safeguard is maintained even at the cost of speed.

7(a). Do you agree with our proposals to replace existing legal and policy tests

for Local Plans with a consolidated test of “sustainable development”,

which would include consideration of environmental impact?

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

Yes

Although this would need careful definition we would support this simplification.

7(b). How could strategic, cross-boundary issues be best planned for in the

absence of a formal Duty to Cooperate?

Cooperation is needed between different local authorities, not least on issues such as minerals, waste, infrastructure and housing supply. The present system is too voluntary and Councils run the risk of local plans being thrown out at the last minute through no fault of their own, though this has not thus far been the case locally. Surely this is a role for the Mayor in combined authorities such as West Yorkshire, coming into effect here in May 2021. The old county authorities and areas perhaps face greater problems and there is a case for stronger central direction there.

8(a). Do you agree that a standard method for establishing housing

requirements (that takes into account constraints) should be introduced?

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

No.

The algorithm, the subject of a consultation now closed, is a very crude way of establishing local housing supply and produces flawed results.

For example Calderdale, in which Halifax is situated, has an average delivery rate over the last three years of 408 dwellings per annum (dpa). The current standard method produces a figure of 800 dpa, with the plan figure of 840dpa, This was queried by the Inspector at stage 1 of the recent local plan inquiry particularly in regard to the relationship with employment projections, with a proposed revision of 997 dpa put forward by the Council. These are ambitious targets given the relatively low level of building recently.

The proposed standard method produces a revised figure of 587 (Lichfield’s Research). This is clearly more attainable but hardly ambitious given the government’s desire to provide more housing faster. Indeed the knock on consequence of introducing the new algorithm on the area will be less housing choice and a slower rate of regeneration and growth.

Clearly planning committees and planners do not build houses. They can frustrate development but there is no evidence that this has been the case locally given the ambitious targets. The greater proportion of new houses is provided by the private sector and a few by housing associations. In stock transfer authorities such as Calderdale local authority direct provision is not an easy process and this could be simplified by Government. The private sector is dependent on finance being available to them and the buyer; housing associations are dependent on leveraging our Homes England grant and s106 and CIL money through private finance - within sensible borrowing limits. Thus the supply of finance is a very important component in influencing housing supply, not just the land consent process. The whole system has to be examined when considering improving supply and the centralised algorithm at the heart of the government’s proposals will do nothing for our area. It may even hamper it.

8(b). Do you agree that affordability and the extent of existing urban areas are

appropriate indicators of the quantity of development to be accommodated?

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

No.

There are many elements to affordability and the price of market housing is only one of them. Ensuring a supply of stepping stone accommodation such as equity share and social housing to rent is essential to not only ensure those who can get on the housing ladder can access it, but also ensure that those who cannot have an acceptable standard of accommodation. The biggest deficit at present is increasing the supply of good quality social housing.

9(a). Do you agree that there should be automatic outline permission

for areas for substantial development (*Growth* areas) with faster

routes for detailed consent?

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

No.

The removal of the need for planning permission removes from the developers’ perspective flexibility and from the public’s point of view the main point of interest and engagement in the process.

The creation of attractive urban extensions, towns and villages needs a proactive master planning approach, whether the land is owned by the public or private sector. The New Towns and Urban Development Corporations provide a model for this – from Leeds through Milton Keynes to Ebbsfleet.

9(b). Do you agree with our proposals above for the consent

arrangements for *Renewal* and *Protected* areas?

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

No.

The potential designation of the whole of Halifax as a renewal area with potentially some protected areas (The Piece, Hall, Minster and a few others) illustrates the very broad designations proposed which misses the fine grained character of the area and landscape setting. We have consistently argued for a master planning approach to the town centre and have made some progress with the Council on this through their agreement to a supplementary planning document. We would not wish to see any setbacks to this.

9(c). Do you think there is a case for allowing new settlements

to be brought forward under the Nationally Significant

Infrastructure Projects regime?

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

Given the impact of the proposed algorithm this is not an issue for us. There is in more general terms a case for new settlements on a partnership basis. This may be achieved through the existing consent regime or at national level. Local participation in decision making and the implementation boards is vital, as was the case in the third generation New Towns and Urban Development Corporations locally.

10. Do you agree with our proposals to make decision-making faster

and more certain?

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

No

Although speedy decision making is to be encouraged there are no checks and balances in the system, for example penalties for the developer in not starting on site or a third party right of appeal. There are no proposals to prevent developers continuing to land bank (and thereby control the supply of new dwellings). We discovered at a recent webinar that there is no national system for collating information on unused consents or land held by developers accumulating hope vale with the prospect of being developed in the long distant future, or indeed no nationally agreed definition of what a land bank is. We consider the removal of many of the discretionary elements to the system is a form of centralisation and some checks and balances need to be introduced to redress the balance.

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

Local Plans?

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

Yes.

Greater digitisation is to be welcomed but it needs to be balanced by the public being able to use and engage with the system, and not exclude significant groups of people. Local Authorities have a lot of experience of this either in public consulyation or information services such as libraries.

12. Do you agree with our proposals for a 30 month statutory timescale

for the production of Local Plans?

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

No.

This seems unrealistic and untypical of countries which have zoning. The prospect of challenges must be built into the end to end times.

13(a). Do you agree that Neighbourhood Plans should be retained

in the reformed planning system?

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

Yes, strongly support.

The only regret with neighbourhood plans is that they typically have been driven by a small articulate minority and have proved easier to get off the ground in more prosperous areas. The Government needs to encourage their widespread adoption

13(b). How can the neighbourhood planning process be developed

to meet our objectives, such as in the use of digital tools and

reflecting community preferences about design?

No comments.

14. Do you agree there should be a stronger emphasis on the build

out of developments? And if so, what further measures would

you support?

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

Yes.

This is a desirable objective but the White Paper is short on detail. It can be done through taking land into public ownership then parcelling up for resale

Pillar Two – Planning for beautiful and sustainable places

15. What do you think about the design of new development that has

happened recently in your area?

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/

or poorly-designed / There hasn’t been any / Other – please specify]

Other.

We have examples of good and bad buildings recently built in Halifax, but the development control process has prevented some of the worst excesses. Halifax Civic Trust runs an Annual Design Award. As well as winners including the nationally important Piece Hall and Dean Clough, these have included modest residential schemes, new build and conversions including new showrooms, schools, central library, gardens, young people’s centre (the Orangebox), a mosque and the Halifax plc HQ (now Lloyds). As a Civic Trust we feel we have a useful contribution to promote good design but also through the planning application process. We fear that without the current discretionary system our influence to improve standards will be lost.

16. Sustainability is at the heart of our proposals. What is your priority

for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy

efficiency of new buildings / More trees / Other – please specify]

Other.

Halifax Civic Trust is fully supportive of sustainability in all its aspects. The current local plan and development control process lags behind both our and the general public’s perception of the priority this should be given. We are dismayed that the Government is not now expecting to hit the national net zero emissions target until 2050. We understand that as long ago as 2006 it was announced we would have zero carbon homes by 2016! An example is the solar tiles which are available in European countries but said to be too expensive here – yet these do fit both the environmental and build beautiful criteria. The White Paper needs to say more about how the green agenda will be integral to the new planning system and more detail on the Government’s proposals are needed. This would be welcomed in our area, and indeed many of the comments on the local plan process we are currently engaged in have been about energy and the environment.

17. Do you agree with our proposals for improving the production and

use of design guides and codes?

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

Yes

We certainly agree with the philosophy of promoting good design, though the national component should be light touch. It is essential these are prepared locally reflecting the local character. In our case this is expressed in the Local Plan (under examination). “The town (of Halifax) has a unique landscape setting … and given its rich heritage is often referred to as the jewel in West Yorkshire’s crown”. There is no shortage of vision. “What strikes you about Calderdale is its quality. Whether that is of the landscape, the historic towns and villages, new buildings or regenerated areas, the place has a character that reflects its industrial and Pennine history and embraces its future … the town centres (will) have redefined themselves to ensure they are places where people want to be….”

We see the national design guide and code as a starting point to good practice, guidance must be prepared locally to reflect the unique character of an area such as ours, and this is an opportunity to engage the local community, civic movement and built environment professions. We particularly encourage building for the long term. The local guidance must be backed up by consultation and real decision making power locally.

18. Do you agree that we should establish a new body to support

design coding and building better places, and that each authority

should have a chief officer for design and place-making?

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

Yes.

Although a national body will be a useful starting point the real work has to be done locally, with resources to provide the design and conservation capacity to implement the changes. Unfortunately capacity and skills in this area have been depleted in recent years and resource and training is needed, as well as the chief officer referred to in the question.

19. Do you agree with our proposal to consider how design

might be given greater emphasis in the strategic objectives

for Homes England?

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

Yes.

This is a helpful proposal, though Homes England and their predecessor body have been associated with grant funding with some quality schemes locally.

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

for beauty?

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

No

These ideas seem ill thought through, as they rely on a very centralised pattern book approach which could easily give rise to uniformity and destroy the unique qualities of a particular place. As remarked above, the core of the work should be done locally. We have grave misgivings over the government’s recent use of permitted development and prior consents which have produced some very poor quality schemes. This topic requires much greater consideration and there is an inherent tension in the ideas of speed and central standards with the aims of producing beautiful and interesting local places with widespread community support.

Pillar Three – Planning for infrastructure and

connected places

21. When new development happens in your area, what is your priority

for what comes with it?

[More affordable housing / More or better infrastructure (such as

transport, schools, health provision) / Design of new buildings /

More shops and/or employment space / Green space / Don’t know /

Other – please specify]

Other

There is no single answer to this, all are important and should be reflected in the plan for the area in a balanced way. It is important to reflect that affordable housing should mean genuinely affordable in the local area, and the widespread incidence of low wages (and increasing unemployment) means social housing for rent.

22(a). Should the Government replace the Community Infrastructure

Levy and Section 106 planning obligations with a new

consolidated Infrastructure Levy, which is charged as a fixed

proportion of development value above a set threshold?

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

Not sure.

This is a technical area but from the Civic Trust’s point of view s106 monies can be negotiated flexibly to meet local requirements and it is important to ensure this facility is not lost in the new arrangements. Because of the technicalities’ we have not commented in detail on questions 22(b) -25. Perhaps most notable are the omissions in the White Paper which is largely concerned with the regulatory framework. For example the resourcing particularly of the design proposals locally, the potential role of public authorities in assembling sites then disposing of them in small packets to attract a variety of smaller developers, and the need to develop the design and conservation skill base. When an architect planner was last spotted in a local authority planning department? What is the percentage reduction in conservation staff over the last 10 years?

22(b). Should the Infrastructure Levy rates be set nationally at a single

rate, set nationally at an area-specific rate,or set locally?

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

22(c). Should the Infrastructure Levy aim to capture the same amount

of value overall, or more value, to support greater investment

in infrastructure, affordable housing and local communities?

[Same amount overall / More value / Less value / Not sure.

Please provide supporting statement.]

22(d). Should we allow local authorities to borrow against the

Infrastructure Levy, to support infrastructure delivery in their area?

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

23. Do you agree that the scope of the reformed Infrastructure Levy

should capture changes of use through permitted development rights?

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

24(a). Do you agree that we should aim to secure at least the same

amount of affordable housing under the Infrastructure Levy,

and as much on-site affordable provision, as at present?

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

24(b). Should affordable housing be secured as in-kind payment towards

the Infrastructure Levy, or as a ‘right to purchase’ at discounted

rates for local authorities?

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

24(c). If an in-kind delivery approach is taken, should we mitigate

against local authority overpayment risk?

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

24(d). If an in-kind delivery approach is taken, are there additional steps

that would need to be taken to support affordable housing quality?

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

25. Should local authorities have fewer restrictions over how they spend

the Infrastructure Levy?

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

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

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

Delivering change

The consultation should have asked a question about enforcement. This is a major concern in our membership. Many of the powers exist but the resources are absent to deploy them. We have many examples of individuals and developers just carrying on regardless, knowing that by a process of attrition and lack of enforcement staff they have a high percentage chance of making more money by ignoring rather than following the system. Areas of special control such as conservation areas are just as likely to suffer. Our own Council, Calderdale has been overly cautious in taking enforcement action. This is partly the fear of legal costs but also lack of staff. It would be really useful if legislation helped councils to return to taking an active role in enforcement through addressing how costs could be recouped. The powers already exist; the major omission is the resources and capacity to use them.

There are two local examples in the Shibden Valley. The first was where the owner of a Grade II property demolished a wing and replaced it by building on to the residential property what can only be described as a large tin shed. The photographs were duly sent to the Council, but no useful action ever resulted.

In contrast the developer of the barn of Grade II\* Marsh Hall had ignored the details of his planning approval, and had started to put in some wildly inappropriate fenestration. After some prodding, the Council eventually issued a stop notice, and subsequently supervised the removal of the offending developments and the completion of a very acceptable conversion. This illustrates action can be prioritised for the highest quality buildings, though the Council is bearing a lot of risk in taking such action and many other cases have to be given far less priority.

Minerals and waste planning consents pose particular issues and it is not clear how these will be dealt with in the new regime. Successful restoration is vital to community support and the Government should introduce a bonding scheme to ensure sites do get restored.

We believe requiring minerals operators to take out insurance bonds before commencing on site would greatly improve public confidence that restoration would actually take place, and might be something worth applying on all major developments. The restoration of waste and minerals workings poses particular problems and applications should not be entertained unless there is a detailed record of the original landform, with sufficient datum points to enable the local authority to satisfy itself that restoration has been achieved (or the approved scheme adhered to). This, together with properly resourced planning departments would improve confidence in the system.

What happens next?

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?

It seems odd in this era of heightened concern regarding equality and diversity that the government has effectively thrown the ball to outside organisations to assess the impact. The Government is best placed to do this itself and a detailed assessment should be made, particularly with regard to moving public participation upstream to the plan making stage and the impact on digitally excluded groups