

Response to the White Paper, *Planning for the Future*, Consultation

From Professor Tim Boatswain, President of St Albans Civic Society

St Albans Civic Society

I am responding to the White Paper consultation on behalf of St Albans Civic Society, an amenity charity. The Society aims not only to protect the important architectural heritage of the historic city of Britain's first Christian martyr but also to promote the highest quality of design and build of new developments within the city. The Society engages with the planning process at both preplanning application consultations and the planning application stage. It has a Design Advisory Group that is composed of architects and a planner with academic experience and it has a separate long-standing Planning Advisory Group, which scrutinises all planning applications and submits objections to those that are considered unworthy or fail to meet the policies outlined in the St Albans City and District Local Plan.

The Society has over 350 signed up members who were invited, along with affiliated bodies, to give their views on the proposals in the White Paper.

Introduction

It seems that the underlying premise of the White Paper is that an outdated planning system is not fit for purpose and is a primary cause of the failure to build enough homes for a growing population. This is not an entirely fair analysis, as a lack of strategic thinking has also contributed to the housing crisis. The reliance on market forces to entirely solve the shortage of homes has been misguided and has created a dearth of appropriate residences, especially in regard to affordable and social housing.

The Society shares the view that the present planning system is too complex and, therefore, tends to exclude local participation while at the same time allowing developers to build, too often, poor quality designs. Though many of the general objectives of the White Paper are laudable in sentiment, the lack of practical details raise many concerns, especially with regard to the level of local input and in what could result in a very top down system. An overall criticism would be that while identifying problems in the existing planning system the White Paper proposals fall short of coming up with credible solutions in meeting the objectives of a faster, more transparent, simpler, democratic process that will produce affordable high quality build and protect communities' existing heritage.

We believe that Civic Societies, like that of our own in St Albans, with their local knowledge and pool of expertise can help and support the planning process from the initial development to the planning application stage. Their commitment to creating 'better places' make Civic Societies powerful allies both in engaging local communities and insisting on high quality developments.

Positive and Negative Analysis of the White Paper

Positives:

- More transparency
- Increased local involvement at the start of the planning process

- Speedier processes (e.g. 30 months for local plans rather than the average 7 years)
- More certainty - rules based rather than discretionary
- Greater consistency across LPAs
- Emphasis on good design and aesthetics (beauty)
- More focus on design (codes at national and local level)
- Appointment of a chief officer for design in LPAs (more skilled resources needed for planning departments)
- Simplification of Local Plans (which are too legalistic and complex at present)
- Electronic means of communication being used to make planning notifications more accessible and planning applications simpler

Negatives:

- Target driven (300k annual housing build) which could undermine good design
- Emphasis on deadlines which could militate against high quality and local participation
- Centralising and not taking account of local conditions (top down planning)
- Lack of strategic thinking (where is the agenda for 'levelling up'?) as there is no attempt at regional planning (removal of 'Duty to Cooperate' from LPs is sensible as it was not working but it was the only strategic element in LPs which has not been replaced in the proposals)
- Housing (standard) formula flawed - the algorithm was the wrong approach especially as it focussed on housing value which distorts strategic need
- Replacing of Section 106 and CIL with national levy (which is not payable up front) could reduce investment in infrastructure
- Uncertainty about the practicability and engagement with the community of local plans (with a shorten time for democratic participation)
- Apparent weakening of Neighbourhood Plans (becoming mainly design codes?)
- Impact on affordable housing (loss of CIL as threshold increased from 10 units to 40-50 units)
- Zoning system, reducing local input/control and likely to be unworkable as local conditions will create issues of definition and appraisal
- Need for greater resources in LPAs - higher quality required (training programme?)
- Danger of a 'presumption' to planning resulting in poor quality build
- Removal of opportunity to comment on planning applications reduces the local voice
- Danger of lack of safeguards for heritage - more detail on Protection Zones needed
- Proliferation of local design guides which would increase complexity rather than reducing it and could also stifle innovation
- Fast track for beauty is unrealistic as good design is not formulaic so how can it be defined?
- Relying on an electronic means of communication could exclude segments of the population

Responses to Specific Consultation Questions

The nature and relevance of the questions were perceived as very mixed, so not all questions have been answered:

2. ***Do you get involved with planning decisions in your local area? [Yes / No]***

Yes. The Society has a Design Advisory Group for preplanning application consultation and Planning Advisory Group that scrutinises planning applications.

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]***

While welcoming more electronic communication to create greater access to the planning process, the physical notification of planning applications is still a very important means of reaching some segments of the community so there needs to be a well-planned period of transition in terms of increasing any dependency on electronic communication in the planning system.

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]***

We believe all the elements mentioned above are of great importance and it does depend on the local circumstance which might be given priority at any one time.

5. ***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.***

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

Not sure. At present Local Plans are too complex and have too long a lead time, so we support a redesign of Local Plans and a shorter preparation period. However, the proposed zoning system presents all sorts of issues associated with 'a one size fits all approach'. Though we recognise this is an attempt to speed up the building of new homes there is a danger that local circumstances will be overridden when a discretionary approach would be appropriate. We believe our Society already plays an important role in the planning process and we would wish to see this enhanced whether in meaningful engagement in the development of new style Local Plans, design codes and guidance and for applications in a protected zone.

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.]***

Not Sure. Without understanding the detail of this proposal we can not give a clear answer.

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

Questions

- 7(a). ***Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]***

While recognizing that the present *Duty to Cooperate* has not been working well it is not clear what would be involved in a 'test of sustainable development' in terms of strategic planning and its impact on infrastructure. This is a further case where lack of detail hinders any clear response.

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

The lack of reference to strategic planning both at a regional and national level creates concerns about both achieving the major policy of 'levelling up' and the enhancement of infrastructure to cope with the significant increase in homes required by the 300k target. Therefore, there needs to be policy development at regional level to ensure there is appropriate strategic planning that goes beyond just house building.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Questions

- 8(a). ***Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]***

The recently proposed algorithm exposed the inappropriateness of assessing housing need through a mechanistic process. While understanding the desire to have a standardised method it is essential that there is flexibility that takes in account the local context and balances demand with infrastructure constraints.

- 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. As stated previously the national policy of 'levelling up' and re-balancing the economy must play it part in assessing both need and desirability of development.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Questions

- 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

Probably not. While understanding the desire to speed up the planning process there are concerns that any exclusion of the general public at the beginning of the process (which is often the case now) means by the time they can participate the development is already a 'fait accompli'. This would merely exacerbate the distrust people already have in the planning system.

- 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.]

Probably not. Any reduction in the opportunity of LPAs and the public to scrutinise individual developments is a retrograde step and would further damage confidence in the planning process.

- 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.]

Not sure. While supporting a strategic approach that not only considers housing but also employment and rebalancing the economy this should not completely override local considerations or the important concept of place-making.

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

Not sure. In principle there is a need for faster decisions but this should not be at the expense of local engagement. It is so important, in terms of community coherence, that people have a say in how their neighbourhoods and locality are developed.

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 / No / Not sure. Please provide supporting statement.]**

Yes. Overall this is a positive proposal giving easier access for the public to the planning process. However, the more traditional, physical notifications should not be immediately phased out otherwise there is a danger that large segments of the community will be excluded from engagement.

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

Not sure. While welcoming the idea of shortened timetables and clear deadlines for the LP process, the concern would be that local participation would be curtailed by LPAs having to meet imposed target times. We would like to see a rolling system that helped speed up the process but also ensured local input at each stage.

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 / No / Not sure. Please provide supporting statement.]**

Yes. There are concerns that the proposals will weaken Neighbourhood Plans so they are reduced merely to developing design codes. This would be a mistaken policy step as it is vital in terms of retaining the confidence of the community in the planning process that the statutory force of Neighbourhood Plans is maintained.

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?

Greater accessibility will increase the public confidence in the planning system. This can be done through Neighbourhood Plans, both using digital tools but also ensuring transparency and partnership with LPAs.

However, the existing extended process needs to be streamlined and the level of work undertaken made more manageable. At present Neighbourhood Plans are often too aspirational and they need to be grounded in more practical issues without abandoning ambition. It is important to understand community values rather than precluding innovation by standardised 'conservative' attitudes to design. This can be achieved through Neighbourhood Plans that demonstrate clarity of purpose and positive leadership.

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

Yes. A million homes waiting to be built is unacceptable when there is a shortage of housing so the imposition of tighter regulations and penalties should be imposed when approved applications are not implemented fully. At the same time it is important that infrastructure issues are dealt with early on so that local services are not put under exponential strain.

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]

Past emphasis on quantitative measures rather than aesthetic quality has marred development in the UK. It is recognized there are many subjective elements in making judgments about 'beauty' and it should not be forgotten that architectural icons like the Sydney Opera House and London's Tower Bridge were initially slated by the public.

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]

If one thing has been learnt from the Covid-19 pandemic it is the importance of public health in urban contexts. Added to the climate crisis it is now imperative that planning processes take into account the greening of our environment and there is legislation to give the planners the power to enforce sustainability, for example, whenever a tree is felled at least two more should be planted. For too

long motor vehicles have dominated urban infrastructure, this domain needs to be given to pedestrians and the natural environment ('Trees over Traffic').

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

Yes with caveats. It is important to raise the standard of design in the country and design codes at both national and local level will provide a basis for improving the overall quality of architecture. However, they should not be so prescriptive that they introduce an era of pastiche and stifle innovation. A careful balance needs to be drawn between standardisation and uniqueness, which will require both imagination and flexibility, leading to 'intelligent planning'.

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.

Yes. It is important to be driving up standards of design and a new body would help this process. The emphasis should be on quality build rather than any dictation of form. This is to avoid the understandable the reticent nature of taste and encourage innovation and ambition..

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. We would contend that LPAs need to be able to harness more skilled resources through appropriate investment and that a national programme of training and development would help attract a talented and aspirational workforce into planning. Place-making is at the heart of good planning and the several shocks to the system: demise of the high street, climate crisis and the Covid-19 pandemic have emphasised the need to rebalance and reshape development to meet the needs of the 'new normal'.

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

Yes. This is a positive proposal.

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

No. There are two major issues with this proposal. The first is the criteria by which any development can be determined to be beautiful will be contentious because of the element of subjectivity that will inevitably be present. Secondly, the lack of scrutiny that this proposal implies could lead to exactly the opposite of what is desired and shoddy, unexamined development might squeeze through the system.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

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

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

These proposals need more flesh on the bone before we can make an informed comment.

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]

All of these factors must be taken into consideration. A key element to our locality is infrastructure which is already under strain with regard to basic services, from water supply to schools, let alone roads.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Questions

- 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. It is not clear how this would work. While understanding a desire to have some certainty in a rule based system, it is unclear how this would operate in practice.

- 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]*

Although on the surface a national rate appears attractive as it would bring consistency, such are the peculiarities of different localities that the 'one size fits all' approach is likely to be inappropriate.

- 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.]*

It is important that any levy is hypothecated for infrastructure and that could support affordable (and social) housing.

- 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.]*

Not sure. While interest rates are low it makes sense that LAs should borrow to encourage development and meet the housing crisis while encouraging small to medium-sized building companies. At the same time it would seem fair and appropriate for large, national construction companies to pay a levy up front.

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

23. *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]*

Yes. It is important that increased use of local services should be reflected in a levy on PDR; for example, the conversion of offices to residential will put additional demand on all the local infrastructure and should, therefore, be paid for.

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

Questions

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.]

Yes. This is very important in high demand areas where house prices are distorted by the migration of high earning sections of society.

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.]

Not sure. This should depend upon local circumstance. In our locality, however, as a relatively prosperous area, it is important to create adequate affordable as well as social housing.

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

Questions

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

No. To maintain public trust it will be important during the need for mass building that the Infrastructure Levy is ring-fenced.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

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

Proposals 23 and 24 are absolutely key to the success of any planning system if there is to be confidence and trust amongst the public. There needs to be investment in resources to underpin appropriate decision making and robust sanctions to ensure adherence to the rules and regulations.

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 is important that reforms to the planning system reach out to all segments of society. This is clearly not the case now and that lack of ownership among parts of the population is damaging to our democracy.

Conclusion

The White Paper identifies existing flaws in the planning system and it is right that these should be addressed. However, it is not clear that the present proposals offer practical solutions. The lack of detail in some of the proposals make it difficult to understand how they would work on the ground. Other ideas seem contradictory: for example while suggesting the importance of local engagement, it appears the public would be limited to commenting on preplanning applications and the statutory power of Neighbourhood Plans diminished. Although the overall direction of the White Paper makes sense there is still much work to be done.

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