



BATH  
PRESERVATION  
TRUST

## Response submitted by Bath Preservation Trust to the Ministry of Housing, Communities and Local Government

### White Paper: Planning for the Future

29<sup>th</sup> October 2020

Bath Preservation Trust welcomes the opportunity to respond to the Planning for the Future White Paper consultation. Bath Preservation Trust (BPT) is a charity promoting high standards of planning and architecture in Bath, striving to ensure the future success of our special heritage city through conservation, education and museums. We have a long history of contributing to planning policy and development proposals since the charity was founded in 1934. We are committed to engaging in advocacy, including in relation to the reform of the planning system, to protect and enhance Bath's historic and future environment, amenity and countryside.

#### Summary

While the stated aims of the proposals should be outcomes that Bath Preservation Trust could support, we have serious misgivings about the actual potential impact of the Government's proposals as set out in both the Planning White Paper, and the consultation on Changes to the Current Planning System. **Principally, there is not enough detail to assess if the proposals will work.**

Areas of greatest concern can be summarised as follows:

- Inadvertent weakening of environmental, heritage and green space protection
- Loss of local democracy and community engagement
- Failure to address true housing affordability
- The challenge of resourcing, particularly in Local Authority and statutory consultees, to deliver the requirements for the reforms

These aspects are expanded on below and in our responses to the **consultation questions** and in our response to the Changes to the Current Planning System Consultation (1<sup>st</sup> October 2020).

#### Overview

Our history tells us that the planning system can go very wrong. In the early 1970s, the so-called 'Sack of Bath' period saw large scale demolition in the city, largely because of a political drive to see change at any price. Possibly uniquely, the right to determine planning applications was temporarily removed from the local Council and the future

parameters determined by the then Department of the Environment working closely with national amenity societies and local groups such as Bath Preservation Trust. Out of this wide group of interested parties came a much better framework for the management of the city and other historic cities, ultimately resulting in Bath's inscription as a World Heritage Site in 1987. This leads us to conclude that a coalition of interest, rather than a single-focus drive for change, is most likely to result in a successful outcome: and this principle can and should be applied in turn to reform of the planning system.

A fit-for-purpose and adequately resourced planning system, with participation at its heart, has the power to enhance and sustain the natural and historic environment, to create and maintain healthy and sustainable communities, meet the challenge of climate change in practical ways, and to ensure everyone has a decent home that meets their needs and that they can afford.

While the current planning system has some faults, we do not believe it is 'broken'. Specifically, housing shortage is not a consequence of weaknesses in the planning system. It currently delivers more planning approvals than the industry can or will build. Currently there are more than 1m homes awaiting build-out by developers (source LGA). CPRE has shown in a recent study that there is more than enough brownfield land to meet government housing targets for the next 5 years. The planning system itself therefore is not a block to housing delivery, but neither the private nor public sector is sufficiently incentivised to deliver already-permitted homes. Unless this challenge is faced it is unlikely the Government's apparently over-riding concern about housing supply will be delivered.

We further maintain that the existing statutory and policy framework for heritage works well. However, we agree that development needs to be of a better quality, and we support the need to examine ways in which this can be improved.

The lack of detail concerning implementation, resourcing and enforcement, leads us to believe that the proposed reforms will, in many cases, make achieving the stated ambitions more difficult, and less acceptable to communities because of the dilution of democratic engagement. The proposals themselves do not guarantee better outcomes or quality.

A vital purpose of the planning system is to contribute to protecting and enhancing our natural, built and historic environment. 'Protected' areas as defined by the new proposals will be those with site designations such as Green Belt, Areas of Outstanding Natural Beauty (AONBs) and Conservation Areas; surprisingly there is no reference to World Heritage Sites and their settings and no consideration given to the importance of undesignated heritage assets or green spaces. The treatment of World Heritage Sites should be set out clearly in any new primary planning legislation, because of their international significance.

We believe that there is much that needs to be clarified, and that a different set of changes is needed in order to maintain a balance between speedy development, better places, and environmental protection.

Planning reform will take time and investment and without the latter it will fail. Given this, we question why it is the right thing to do now and at speed, particularly given the economic shock of Covid-19. 'Demolishing' the existing planning system at a time when there is no capacity to invest properly in its successor would be entirely counterproductive. The urgent priority at this time is using the current planning system to

incentivise the building of already-permitted houses, to mitigate climate change and to enhance biodiversity.

### **Areas we support**

- We support the ambition to modernise some parts of the planning system, if they can be appropriately resourced.
- We support aspirations for better design and development quality; however, there is not enough detail in the White Paper to demonstrate how this will be achieved.
- We support the move to more accessible digital planning, but not at the expense of existing physical approaches for the less digitally connected. The Covid-19 pandemic underlines how important and beneficial digitalisation and technology could be for the planning system.
- We support the use of Design Codes providing they have local input and specificity and are done well, and extend beyond aesthetic appearance into other aspects such as space standards, social amenity, landscaping and public realm.
- The appointment of a Chief Design and Placemaking Officer within each Local Authority is welcome. However, we are concerned that this would only be effective if the person has the right skills and the Local Authority has resources. This person would require a relevant professional background and accurate place-relevant specialist knowledge and training. They would also require a similarly qualified staff team. We envisage that this would require additional central funding and probably benefit from the existence of a new body akin to that formerly known as Design Council/ CABI.

### **Areas we cannot support in the current proposals**

#### **a) Weakened environmental, heritage and green space protection**

- Heritage should be properly integrated into the new planning process, not treated as a stand-alone area of focus.
- The White Paper creates potential threats to the current arrangements for heritage and archaeology in the planning system. This includes an oversimplified categorisation of land, reduced potential for public engagement, and more formulaic approaches to identifying and conserving the historic environment and its setting. Whilst the current system is far from ideal, it does deliver public benefit. Enhanced protection and understanding of the historic environment are benefits to wider society; heritage and archaeology positively contribute to sustainable development for the benefit of future generations.
- The zonal system approach may not offer a comprehensive environmental protection mechanism. Heritage assets, designated or not, are woven through our country's fabric and do not lend themselves to 'zoning'. Development in Growth areas may have an impact on Protected areas.
- The site assessment process for zoning and Permission in Principle (PiP) must utilise the existing evidence bases especially Conservation Area Character Assessments.

- Under the proposed zonal system, and in combination with centralised, high housing targets, green spaces will be under increased threat of becoming a free-for-all for development. The result of this will be the loss of the crucial amenity that green spaces (particularly easily-accessible green spaces) serve to local communities in terms of health and wellbeing, in addition to their role in mitigating the climate emergency. The need for access to nature has been particularly highlighted by the COVID crisis.
- The White Paper proposes a national approach to setting binding housing requirements (there is already a national approach to housing needs forecasts, but it is not binding on local authorities and can be varied according to local circumstances such as environmental constraints). The proposed approach and the proposed new forecasting method, is too centralised and does not sufficiently take into account the needs or environmental constraints (such a high density of protected characteristics) of local areas.
- Design codes and pattern books need to be locally distinctive and holistic, not a generic or a purely stylistic national code. They need to allow for variety of character, preferably reflecting proportion and scale but not necessarily aping appearance, of surrounding areas, avoiding the dead hand of ‘ghastly good taste’. Too much unrelieved uniform appearance, however ‘good’ in itself can feel sterile and joyless, lacking any element of surprise. Good design codes are not solely about appearance but also about context, space standards, quality of materials and public realm. The production of Design codes and pattern books need to be carefully commissioned and resourced, otherwise there is a danger that, if they are not done well or are too generic, they have a damaging and long-lasting effect. There needs to be a mechanism for reviewing and updating them. There is a need for local codes rather than standardised ones, or a combination of both.
- The ‘fast-track’ and ‘speed up’ approach does not align with the claims for improvements to the protection of the environment. The White Paper proposes that *“processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects”*. This does not align with the current rigorous and well-established system for safeguarding and planning within protected areas, albeit a process that extends planning time-lines.

#### **b) Loss of local democracy**

- We are very concerned by and disagree fundamentally 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’.
- As Historic England has previously put it: *“The voluntary sector plays a large and vital role in heritage conservation. Every year hundreds of thousands of people volunteer their time to protect their heritage. Government has long recognised the large and irreplaceable contribution that voluntary organisations make to heritage protection, including through the planning system.”*

- Local community groups add value to the process, helpful local context, and knowledge of an area to aid decision-making. Communities know their areas intimately and over time; they have an invaluable collective memory that help[s] improve the overall quality of plan-making. We must ensure there are continuing opportunities for this local input as development schemes evolve and make their way through the planning process. Where the current process works well, local community groups are involved as partners involved in iterating pre-application design, and should remain involved in making decisions about zoning and Permission-in-Principle.
- Restricting community engagement to the Local Plan making stage, and Permission in Principle, will result in members of the public losing their ability to scrutinise individual planning applications, the stage at which they are most engaged with planning. In contrast, developers will only need to successfully influence a local plan and will then have sweeping powers to build on allocated sites. Planning will therefore become something which is even more ‘done to’ communities and it likely to polarise and alienate the planning process much more than it is today.
- We have serious concerns about community consultation under a front-loaded plan-making approach. ‘Deciding once’ is only effective if it is done once and done WELL, and that the point of decision is sufficiently meaningful. Communities need robust legal guarantees that they will be consulted regarding new development.
- A matter of particular concern is the government’s continuing belief that principle and detail can easily be separated in planning decisions. This can never be the case, because the principle of the suitability of a site depends entirely on the detailed impacts the proposal may have. To understand whether, in principle, development should take place, one first has to understand this detail. This is a practical reality, and so, if permission is to be given in principle in plans, then plans will require much more detailed site assessment processes. While national data sets can, in theory, speed up this process, it assumes a well resourced, up-to-date and freely accessible dataset. Ultimately only detailed site investigations can ultimately reveal the suitability of a site, for example in terms of archaeology, ecology, and flood risk.

### **c) Housing affordability**

- A national approach to setting housing targets is likely to make it more difficult for local authorities to acquire land to build affordable homes, because large developers and land agents will bid prices up for land that is more likely to be developed under the new system. A much higher priority needs to be given to helping local authorities regenerate brownfield sites and build more genuinely affordable homes to meet local needs.
- The definition of ‘affordable housing’ requires reworking so that those most in need are not effectively excluded. Price, size and tenure parameters are required, with less emphasis on ‘first homes’ which even though reduced price in perpetuity (or until some future government review) are still unaffordable to too many.

- On small-to-medium sites, developers are currently required to build affordable homes if the site includes more than 10 units. The White Paper is lifting this cap to 40-50 units. This will certainly mean fewer homes that people of lower incomes, including many key workers, can afford. This proposed short term change (in the Changes to the Planning System consultation) sits in direct contradiction to the longer-term reforms proposed in the Planning for the Future White Paper, which repeatedly calls for maintaining and improving the levels of affordable housing. It concerns us that this will tempt some developers to subdivide large housing developments into parcels of just under 40 units in order to avoid compulsion to build ANY affordable housing.

**d) Local Authority and statutory consultee resourcing**

- If local planning authorities (LPAs) take on the responsibility for zoning all of their land into three precise categories, undertaking assessments of new development areas, and setting out what detail, design, form and scale would and would not be acceptable in each area, we make an urgent call to ensure that they have the right in-house planning, architectural, landscape and surveying skills to assess sites for their suitability within ‘Growth’ and ‘Renewal’ areas, and to test their capacity.
- There will be an urgent need to plug the Local Authority skills gap, and this will require strong partners in the community.
- Resourcing is a major conundrum, which is further aggravated by many planning departments, and significant statutory consultees, such as Historic England, already having had to cut spending and reduced or eliminated specialist staff. Any system, let alone one of zoning and neatly categorising, cannot be implemented effectively by planning authorities without resourcing; more needs to be forthcoming to allow them to get to grips with fast-paced reforms and be democratically accountable in delivering an effective planning service. The reforms should not be implemented if they cannot be resourced.
- In the current economic climate, we believe that resources would be better spent on refocusing training and time on proper place-shaping through the existing planning system and introducing many of the recommendations of ‘Planning 2020’, the final report of the Raynsford Review of Planning (2018).

## Consultation Questions

### Pillar One - Planning for development

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

Effective, inconsistent, democratic

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

- Yes.
- BPT has a long history of advocacy and campaigning for better planning and architecture in Bath. The Trust reviews and responds to hundreds of planning applications and multiple local and national planning policy consultations a year, including local plans and placemaking plans. BPT has provided support to B&NES LPA in the production of Conservation Areas Character Assessment's, Supplementary Planning Documents, a Pattern Book for Bath and other planning guidance.
- The organisation has paid planning staff and qualified voluntary professional advisors including planners, building historians, architects and surveyors.

#### 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

All of the above, on the LPA website and by email to community groups who sign up. The continuance of site notices is are critical as the public would not be aware of forthcoming development proposals without them.

#### 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]

- Other
- **In Bath it would be very difficult** to narrow down planning priorities to three areas as all are important, and there will inevitably be some overlap (e.g. between environment and green spaces). We remain concerned that several of the stated priorities will remain impossible to implement unless inflated land acquisition prices cease to be a legitimate factor in viability assessments. Furthermore, we retain serious concerns regarding the “dumbing down” of design quality if this becomes based on majority preference, given the inadequacy/narrowness of design education.
- **If required to rank three planning priorities in Bath, they would be:**



1. Protection of existing assets including heritage buildings, local character and green spaces.
2. Action on climate change and biodiversity.
3. The design of new homes and places to meet people's needs and aspirations.

## 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.
- The current system has protected heritage and natural beauty well and any new system must continue to do so effectively.
- The current Some simplification is long overdue, but these proposals prioritise growth over placemaking, they are overly simplistic and dogmatic, encouraging a 'tick-box' mentality, unlikely to fulfil in practice the objectives as set out.
- Greater clarity is required on how the proposed system will prioritise, mitigate and combat climate change.
- We welcome that primary responsibility for preparation of Local Plans will remain at local authority level, however a 30 months deadline for local plans is unrealistic.
- Consideration should be given to a flexible plan-making process whereby following approval, local plans are subsequently reviewed and consulted on at regular intervals (say 12 or 18 months) and are simply updated to meet ongoing requirements. The process could be managed online. 'dynamic plans' would always be relatively up to date and the major plan-making exercise would only need to be carried out once.
- The time lag between early stage contributions to the Local Plan and further involvement before specific plans are brought forward 'on the ground' can enhance the process and, more importantly, improve outcomes.
- Like other environment groups, BPT are concerned that the proposed zone system risks over-simplifying the process and thus weakening environmental and heritage protection measures. Planning needs to take into-account site-specific environmental and other local knowledge. The zonal system approach may not offer a comprehensive environmental protection mechanism. Development in Growth and Renewal Areas may impact on Protected Areas. For example, some brownfield sites that could be earmarked as Growth and a priority for development



will contain some of our most important designated and undesignated heritage assets. It will not be easy to map and exclude many or most heritage assets and settings from Growth and Renewal Areas. The site assessment process for zoning and PiP must utilise the existing evidence base such as Conservation Area Character Assessments and World Heritage Site Management Plans. And contrary to Paragraph 2.5 the new system will require a huge amount of front-loading, partnership working and consultation to inform assessments for the zoning proposals for areas.

- It is not clear how Protected Zones apply to Article 2(3) land. Does it mean that the whole of the Bath World Heritage Site, Conservation Area, and surrounding AONB and Green Belt is entirely a Protected Zone? **This requires clarification.**
- In Growth and Renewal Areas PiP/outline applications are embedded in the new Local Plan. We would not be comfortable allowing PiP to become standard practice in Growth/Renewal Areas/brownfield land. PiP could by-pass important local heritage and environmental considerations. PiP will rush through developments that should be properly assessed and consulted on, with thorough consideration of heritage and environmental impact. It makes no sense to submit technical details after planning consent is given and especially where issues, such as design and environmental impact play such an important factor in AONBs, WHS's and Conservation Areas.
- In Renewal Areas the presumption in favour of sustainable development which allows for demolition of existing building stock is wasteful. The embedded energy lost in redevelopment should be seen as critical for assessing sustainability.
- While we welcome the inclusion of Protected Areas these are likely to be cross-boundary designations. We are concerned that these assets are likely to be seen as a constraint rather than an enriched starting point. Furthermore, a Protected Zone might contain some negative elements which present opportunities for renewal.
- We therefore would like to see Protected Zones re-labelled as 'Protect and Enhance Zones' which reflects the language of the current statutory legislation for Conservation Areas.
- We are concerned about the deleterious effect of a relaxed Permitted Development regime on Protected Zones.
- We welcome the retention of the ability of local planning authorities to restrict development in gardens.
- Protected Areas will rely upon policies set out in the National Planning Policy Framework (NPPF), therefore robust NPPF policies on topics including Green Belt, heritage, flood risk, and landscape must be put in place and must be sufficiently well-defined to have meaning, while being flexible enough to take account of local circumstances.
- We welcome that undesignated areas of countryside will be brought into Protected Zones.
- Under the proposed zonal system, and in combination with centralised, high housing targets, green spaces will be under increased threat of allowing a free-for-

all for development. As a result of this will be the loss of the crucial functions that green spaces serve to local communities in terms of health and wellbeing, in addition to their role in mitigating the climate emergency.

- The new regime appears to place value on green spaces and to protecting the Green Belt, with the reforms promoting more development on brownfield land. This may create bottlenecks for some local authorities faced with top-down housing targets, if a significant part of their territory is Green Belt or otherwise designated for protection; this is the case in Bath and North East Somerset. The problem will be accentuated by the removal of the duty to cooperate between local authorities in the delivery of unmet housing needs.
- The planning system is not the main cause of development delays or affordable housing shortfalls - 90% of applications are approved by local planning authorities, but developers often delay building until market conditions create greater levels of profitability. In this way they control the rate of supply of housing and thus its price to the consumer; and it is this constraint which must be addressed by Government if any increase in housing completion figures is to be achieved.
- The zonal system reflects a push for more national control, with plans to establish a new expert body to assist in the effective use of design guidance and codes. While we would welcome the reintroduction of a body such as CABE, **we are concerned that the system as a whole may reduce both the public input and the democratic accountability that characterise the current UK regime.**
- In an 'old country' such as England, any new design body must include heritage/conservation expertise by law.
- There is no mention of how the special statutory duties for designated historic buildings and areas will work within zoning. It is not clear how the proposed system will sit alongside the existing system of heritage consents for works to heritage buildings, in particular Listed Building Consent.
- We are extremely concerned that opportunities for community consultation at pre-application stage should be maintained Further clarity is required.
- A matter of particular concern is the government's continuing belief that principle and detail can easily be separated in planning decisions. This can never be the case, because the principle of the suitability of a site depends entirely on the detailed impacts the proposal may have. To understand whether, in principle, development should take place, one first has to understand this detail. This is a practical reality, and so, if permission is to be given in principle based upon plans, then these plans will require much more detailed site assessment processes. While national data sets can speed up this process, only detailed site investigations can ultimately reveal the suitability of a site in terms of archaeology, ecology, and flood risk.
- We have serious concerns about the effectiveness of community consultation only at plan-making under a front-loaded plan-making regime. Restricting community engagement to the Local Plan making stage, and Permission in Principle, will result

in members of the public losing their ability to scrutinise individual planning applications and contribute to better development control. In contrast, developers will only need to successfully influence a local plan and will then have sweeping powers to build on allocated sites.

- Consulting once in the normally iterative plan making process is only effective if it is done once and done WELL. Consulting only once risks a serious failure of the democratic system if it is not implemented well or effectively.
- We recommend that local Civic Societies - where they exist - should be STATUTORY CONSULTTEES in the development of new-style local plans, design codes and guidance, and for any planning applications in, or impacting upon, a protected zone.
- These and other local community groups (such as residents' associations) MUST be involved as partners making decisions about zoning and permission-in-principle. Local community groups have an invaluable collective memory that helps improve the overall quality and value of plan-making.
- Communities need robust legal guarantees that they will continue to be consulted regarding new development if planning and new development is to enjoy acceptance.

### **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.
- We do not oppose streamlining the development management content of local plans but do not support setting out general development management policies nationally.
- The NPPF already sets policies at a national level, but national policies do not give clear enough guidance to resolve locally-specific competing interests in the use of land. 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. Local policies are needed to reflect local circumstances and address place-specific issues, for example special local architectural character and heritage, or over-concentration of HMOs/ student accommodation in residential areas. Therefore, the new system must retain some scope for more granular development management policies at local level, particularly in protected areas. Locally set policies should include inter alia the protection of defined views and vistas which may have cross-zone or cross-

boundary impact (e.g. in World Heritage Site), inappropriate garden development and a policy of dark skies.

- Even if developed using community participation Local Plans will still be a reflection of centralised codes and not a true reflection of local opinion. It will disenfranchise those who do not understand planning at a technical level. The roles of local authorities will be limited, as will local participation, in the development management process once the local plan has been produced. The opportunity for public consultation on local plans seems limited when the opportunity to comment is simultaneous with submission of the plan to the Secretary of State. The imposition of such national guidelines will impose potentially inappropriate standardised approach to the local area, damaging local character and preventing local community engagement in policy making.
- MHCLG will need to issue guidance to help clarify the position of local planning authorities who are in the process of preparing a new Local Plan.

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

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

- Not sure - this depends critically on the rigour of the test.
- The White Paper needs to define “sustainable development” in this context.
- Embodied energy of existing buildings should form part of any assessment of energy efficiency.
- Heritage Impact Assessments and Landscape Visual Impact Assessments are not mentioned in the White Paper but are essential to inform development. BPT strongly supports the use of their also being made statutory for World Heritage Sites unless an EIA would provide the information required.

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

- We recognise that the current Duty to Cooperate has frequently failed to deliver its intended purpose, often resulting in a mutual turning of blind eyes to challenges.

- However, cross boundary issues exist and require proper consideration by LPAs, whether informally, by 'Duty' or in an upper level forum. At whatever level, they should be fully informed by technical expertise and be outcome-driven.
- We would be very concerned if this Duty were removed without an effective measure for cross-boundary planning being put in place. We are very concerned that the White Paper does not set out the government's proposals on this issue and just seeks to abolish the Duty.

**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.**

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

- No.
- This approach, as well as the proposed new forecasting method, is too centralised and does not sufficiently take into-account the needs or environmental constraints of local areas.
- We are concerned that centralised imposition of housing quotas will set Local Planning Authorities up to fail and put them in conflict with local communities.
- Determining housing requirements nationally and focussing on areas where affordability pressure and demand is highest, will increase pressure for new development where pressure is already at its greatest. This tends to be in areas of high environmental quality and could threaten landscape designations such as World Heritage Sites (WHS's) and Areas of Outstanding Natural Beauty (AONB).
- We are very concerned by the lack of transparency about how decisions would be reached about housing targets in individual areas. The only detail given about the process is that a new housing requirement would be set by updating the National Planning Policy Framework.
- There must be an appropriate level of local and public involvement.
- We are concerned that this approach is also likely to make it more difficult for local authorities to acquire land to build affordable homes, as larger developers and land agents will bid prices up for land that is more likely to be developed under the new system.
- Much more priority needs to be given to helping local authorities regenerate brownfield sites and build more affordable homes to meet local needs.

- We fully align with, support and emphasise the concerns (below) from CPRE with regard to local impact of the proposed nationally determined housing targets:

“Here in the West of England, the impact of the proposals on the residents of our four Unitary Authorities will be dramatic. The now discarded ‘Joint Strategic Plan’ for the sub-region envisaged increasing the number of homes required to 105,500, although the immense difficulties in both justifying that figure and in working out how to accommodate it were among the reasons for the plan being halted at the Public Enquiry stage. The Government’s new proposals would take the target figure to 159,260. This is unjustified by the most robust demographic and economic data. It is also undeliverable in any way that is remotely sustainable or does not do irreparable harm to the precious green spaces and countryside which are among the most important reasons why people choose to live here. Furthermore, the changes in delivery of affordable housing mean that it is likely that a much smaller percentage of this final figure would actually be built for people who are in housing need. ...we understand the Government does not contest [the Litchfield Consultancy analysis].”

**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?**

- No - not solely.
- There is a need to allow for Protected Areas (AONB, GB, WHS, SSIs) as well as physical land availability within LPA area, e.g. Luton which is wholly circumscribed by designations or other LPAs or in our case Bath which is a World Heritage Site in its entirety, surrounded by Green Belt and for ¾ of its boundary by AONB.

**A streamlined development management process with automatic planning permission for schemes in line with plans**

**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.
- Not unless Growth Areas are outside of designated landscapes/WHSs and do not include or about any designated or undesignated heritage assets.
- We disagree strongly with the rest of this proposal: “.....automatic approvals would also be available for pre-established development types in other areas suitable for building”. [our emphasis]
- We are glad to see that “The route to full planning permission should follow clearly and directly from the designation made in the Local Plan”.

- However, we are concerned that in practice Proposal 5 would add more complexity to an already complex system.
- The White Paper confusingly refers to “outline permission” and “permission in principle” which are totally different. Greater clarity around the various routes to consent is required.

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

- No.
- We are pleased to note that in Protected Areas the current approach to planning permission will be retained. All development proposals within the setting of a listed building, a conservation area or World Heritage Site (or its setting) should be determined by planning applications being made to the local authority. Further information is required as to how the routes to consent sit alongside Listed Building Consent.
- However, the White Paper states that this approach applies “except where there are permitted development (PD) rights or development orders”. Greater clarity is required as to how this will be applied to designations that are excluded from PD rights, including all Article 2(3) land.
- We have serious concerns about the proposal that pre-specified forms of development should gain consent through nationally-set permitted development rights. This may promote unnecessary demolition and undesirable redevelopment which would should not be considered sustainable given the embedded energy in existing buildings.
- Consents must be informed by Heritage Impact Assessments and EIA’s.
- Faster consents should not be at the expense of 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.
- This is not clear. There is not enough detail to inform a view. Whichever process is followed there must be sufficient opportunity for public and community consultation, and a recognition that new settlements should be much more than just housing.



**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.
- We do not have confidence that the proposals in the White Paper will result in effective outcomes and instead will compromise consultation and engagement, disenfranchising communities, weakening the protection of heritage assets and reducing the acceptance and legitimacy of new developments.
- The 'fast-track' and 'speed up' approach do not align with the claims for improvements to the protection of the environment. The White Paper proposes that *“processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects”* which does not align with the current rigorous and well-established system for safeguarding and planning within protected areas, albeit a process that sometimes extends planning timelines. The current planning system has in the main protected heritage assets and designations.
- We do not agree with re-imposing rigid deadlines for applications as time for negotiation often results in superior development quality.
- Standardised information for larger schemes is concerning as where there is likely to be an impact on heritage the information requirements must be ‘proportionate’ to the asset’s significance. A standardised approach would not be possible if there are multiple assets to be considered, and there is inevitably added complexity in World Heritage Sites.
- We have serious concerns about how deemed consent would work in Protect and Renewal areas. We wonder how for listed buildings this is at all compliant with the provisions of the Planning (Listed Buildings and Conservation Areas ) Act 1990 and the requirement to apply for Listed Building Consent?
- The new system needs to provide stronger reassurances that it would be democratic and properly evidence-based.
- We support the principle of greater data sets to underpin planning but it is not clear who will undertake assessments and if this puts increased pressure on LPA resources.

**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, as long as it is free to access.

- We support the move to more accessible digital planning. The Covid-19 pandemic underlines how important and beneficial digitalisation and technology could be for the planning system.
- However, any digitised data will need to be freely available, GDPR compliant and not dependent on proprietary systems with ‘gateways’ to usage. If provided by the private sector, letting of any contracts for this work should be subject to open scrutiny.
- If data is up-datable there is a big question as to how interested parties keep track of the latest update. It is currently already difficult with for example the existing HER system.
- The resourcing of these data to stay up-to-date will be challenging.
- There is a risk that digitalisation will alienate some people, and that some will be even more excluded than at present.

#### **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.
- A 30-month deadline for local plans is unrealistic if the Plan is to be robust.
- In practice, the time lag between early stage contributions to the Local Plan and things happening on the ground can enhance the process and, more importantly, improve outcomes
- We have serious concern regarding any possible loss of democratic participation, viz. the automatic right to be heard at Inquiry, the preparation of Local Plans being the only opportunity for input, and the possibility of LPA self-assessment.

**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.
- They have allowed for effective community participation in planning.

**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?**

- Communities can have a role in contributing to evidence base data, local assessments, and the development of design codes.
- Local communities must be involved as partners. They have an invaluable collective memory that helps improve the overall quality of plan making.
- There could be an enhanced role and funding for Planning Aid and community planning support charities.

**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?**

- Not sure
- As outlined in the proposal and failing that financial sanctions.
- Time limited planning permissions - to be completed within x years (x dependent on size of scheme, agreed during approval process) and forfeited if no adequate explanation.
- No automatic 'right' of renewal of permission by developers who have failed to fulfil conditions of earlier applications.

**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

- To generalise, there are two outcomes we have seen. One is the presentation of promising designs at planning stage which is then ‘value-engineered’ back to ordinary or poor design after permission is obtained. The other is the lazy presentation of very ‘ordinary’, ‘anywhere architecture’ even for the very specific setting of a World Heritage site.

**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]**

- All of the above
- Plus, national retro-fitting programme, incorporating locally generated and highly specific requirements/guidance.

**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, the recognition of the important role design guidance could play in improving design standards and places is welcomed, however the White Paper is lacking in detail about how and by whom they will be produced.
- The White Paper does not set out the scope of these codes beyond a broad emphasis on aesthetic design, stating that guides and codes would ‘reflect local character and preferences about the form and appearance of development’. There is no discussion of standards on space. Further details as to how a national code will be prepared and implemented are keenly awaited.
- The language in the White Paper is stylistic. Design codes require a holistic approach that should take account of the three tenets of sustainability (economic, social, and environmental). They need to incorporate standards (such as space, light, access to green spaces & freedom from pollution), and to have wide applicability, rectifying the current situation with regard to PD exemptions.
- The publications cited could usefully include ‘Building for a healthy life’ (Homes England 2020), especially in a post-Covid-19 world.
- We are please to see that a review of the Manual for Streets is proposed, and this should be integrated into design codes and local pattern books.
- Design codes and pattern books need to be context-specific and locally distinctive, not a generic national code. Design codes and pattern books need to be properly commissioned otherwise there is a danger that if they are not done well they have

a damaging and long-lasting effect. There is a need for local codes rather than standardised ones, or a combination of both.

- *It is therefore critical that all stakeholders, residents and communities, are involved and participate in the co-design of these codes and pattern books, and involved in the consultation process on design codes before the window of opportunity is closed and not reopened until such a time as the national design code is subsequently reviewed.*
- We welcome local design standards and design codes in principle for all areas, but are very concerned that the process of developing and setting the standards and applying them to decision making would place an increased administrative burden on already overstretched and underfunded LPAs. Extra resources will be required.
- *A key concern here is that once codes are established as a basis for the design of new development, any opposition to proposals which are designed in compliance with them will be stifled.*
- Another concern is the potential for ‘uniform mediocrity’ throughout an area if a ‘tick box’ mentality is slavishly applied without space for context-specific individuality, particularly if then ‘checked’ automatically by machine (p30).
- Design codes and pattern books need to be properly commissioned and undertaken by suitably skilled personnel otherwise there is a danger that if they are not done well they have a damaging and long- lasting effect. Where produced by developers they must be properly scrutinised to ensure “effective input from the local community.” However, “effective input from the local community” and “empirical evidence of what is popular and characteristic in the local area” are not the same, and must be balanced against proper design standards to avoid replication of poorly-designed schemes popular only in the absence of something better.
- We have serious concern regarding dumbing-down of design quality if based on majority preference, given the inadequacy/narrowness of the current education system in relation to design.
- There needs to be a mechanism for reviewing and updating codes and pattern books.
- Local design standards may only apply to growth and renewal areas, and this requires further clarification.

**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.

- Such a body will need to combine technical professionals, with local representation, and include architects, planners, heritage professionals, urbanists, landscape designers, and experts in nature, health and wellbeing, access/inclusion and energy efficiency, in appropriate proportions. The body should provide a professional umbrella for national, regional and local Design Review Bodies and amenity societies. It should promote exemplar case studies and best practice and support design professionals and education institutions offering built environment and landscape design courses. Once established it should independently constituted.
- The appointment of a Chief Design and Placemaking Officer within Local Authorities is welcome. However, we are concerned that this would only be effective if the person has the right skills and the Local Authority has sufficient resources. This person would require a relevant professional background and accurate place-appropriate, specialist knowledge and training. They would also need to have an appropriately resourced and skilled team.

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

- Yes, definitely.

## **A FAST-TRACK FOR BEAUTY**

**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
- There is an over-emphasis on ‘beauty’ in new development as the principle consideration. The concept of beauty is not universal or timeless: fashions change. In areas of high heritage value such as World Heritage Site and Conservation Areas, design should respect the Outstanding Universal Value and local character, which may not be ‘beautiful’ in a classical sense. While beauty may be a consequence of good design, it is not the sole purpose of good design. Indeed, a recent survey of what people liked about their homes found ‘beauty’ ranked well behind convenience and marketability.
- Good design should take account the three tenets of sustainability (economic, social, and environmental).

## EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

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.

- Proposals 17 and 18 are generally welcomed.
- There is not enough emphasis on the care of World Heritage Sites, which represent an international treaty obligation but are insufficiently recognised in primary legislation in the UK.
- The White Paper consultation does not include a single question on heritage protection which prevents the opportunity for engagement on heritage issues, with no opportunity for them to ensure that the future of our heritage is integrated in the changes to the planning system.
- We are concerned about the ‘accredited agents’ proposal for handling listed building consent and that “suitably experienced architectural specialists can have earned autonomy from routine listed building consents”. Recommendations for and decisions on listed building consent should continue to be made by the Local Planning Authority, as the publicly accountable body. It is essential that decisions that involve balancing intangible harms and public benefits are made by democratically-elected authorities.
- We would object to a shift of decision-making to accredited agents employed by applicants UNLESS the agents were accredited organisations in the heritage sector and unless the accountability for their decisions were held by a publicly accountable organisation.
- We are pleased to see government still recognising the importance of heritage protection alongside environmental care and sustainability - especially in its Proposal 17, on ‘Conserving and enhancing our historic buildings and areas in the 21st century.’



- We welcome the aim ‘to cherish the past, adorn the present and build for the future’ with helping historic buildings adapt to climate change being explicitly cited as a goal. The Planning system is a major opportunity to work towards successful measures in tackling climate change. But it needs to begin by looking at the existing embodied energy of the historic environment and seeing existing buildings as a sustainable resource, not from the assumption that existing buildings are unsustainable and need radical change. Designated and undesignated heritage buildings contain large amounts of embodied energy and carbon and further energy and carbon release is required to demolish them and rebuild, therefore re-use of both buildings and places is desirable in principle. Planning policies should reflect this. IN addition, taxation policies incentivise demolition rather than repair and conversion: this hampers the sustainability of the historic environment.
- Also, who is responsible for monitoring BR compliance if this is no longer a local authority service? This is particularly important in a post-Grenfell world.
- The motivation behind the commitment “to make all new streets tree-lined”(p56) is laudable, but it may be more appropriate in places to provide trees in groups or gardens, as focal points or functional shading, rather than uniformly lining traffic routes, which many highway authorities regard as risky. Moreover, varied locations afford scope for a greater variety of trees and more interest visually. In addition, tree-lined streets are not a proxy for access to green spaces for residents.

### **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] Proposals**

- Other
- All of the above, as all contribute to successful placemaking, and the absence of any mars the overall scheme. We would also add restoration, care and sensitive conversion of existing buildings as a contribution to local character.

**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.**

**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.]

- Yes
- Whatever rate or mechanism is applied must be adequate to cover the cost of necessary new or upgraded infrastructure, planning gain to support heritage and landscapes, as well as a proportion for affordable and social housing.

**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]**

- The proposals are not detailed enough to answer.
- Probably set nationally at area-specific rates, with local input and variation during determination where justified.
- One single rate would be inequitable to widely varying areas.

**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?**

- More.
- Any value collected should be not less than current system. The new planning system will place considerable demands on local infrastructure and will need funding as will the continuing demand for affordable housing.

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

- Yes - won't work if not.

**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 definitely.
- The current exemption is inequitable, damaging to community cohesion and penalises those least well-off and in need of homes.

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

**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.
- We agree that the delivery of affordable housing must be on-site as a proportion of larger housing developments.
- The definition of affordable homes has changed since inception, and we are concerned that those most in need of homes are almost certainly losing out. The White Paper proposals will not ameliorate this situation.
- First Homes are now clearly expected to take priority over other forms of affordable home ownership. For example, if a local plan required 30% of affordable housing to be shared ownership before, under the new rules it should require 25% First Homes and just 5% shared ownership. This could have a serious negative impact on the supply of new shared ownership homes. Lawrence Bowles, Savills research analyst comments “our modelling shows that shared ownership homes can offer people a route to home ownership with lower deposits and lower income requirements than First Homes. By restricting the supply of shared ownership, government risks raising the barriers to home ownership, not lowering them.”
- Financial contributions to affordable housing provision (including in-kind delivery see Q. 24(d)) secured through the planning system should be seen within the context of public funding towards housing.

**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?**

- Not sure.
- Probably both, depending on circumstances.
- What should not be allowed is the contribution of funds for affordable housing elsewhere in the locality when there is no land available.

**24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

- Yes.

**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?**

- Not sure.
- This probably dependent on an adequate initial permission and monitoring development standards, including space standards, access to green spaces etc.

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

**25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

- Yes.
- However, this should normally be for the benefit of community and environment into which the new development is slotted, rather than a wider area such as elsewhere in the authority.

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

- Yes.
- This will help ensure affordable housing is provided within LPA area, it being difficult to conceive of time when affordable housing is not required.
- Consideration of affordable housing provision need to include properly upgraded and retrofitted homes.
- There could also be consideration given to introducing a green infrastructure ringfence in order to deliver more healthy, naturally beautiful and bio-diverse places to respond to the ambitions in the White Paper.

**Delivering Change**

**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: ref to page 57-58**

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

- We note that views are not sought on these proposals and wonder why this is, but provide ours anyway.
- We consider that the proposals outlined on pp57-58 (and the WP as a whole) are far too simplistic, e.g. particularly those covering environmental assessment and mitigation which may be dependent on seasonal rhythms, and the scope for genuine ‘mitigation’. Also, the timescale envisaged for development and implementation of the ‘reforms’ is unachievable, especially at a time of economic challenge.
- Better enforcement requires not only strengthened powers but increased resources. Flood risk advice needs to be heeded by developers, LPAs and the Planning Inspectorate.

- With local planning authorities (LPAs) taking on the responsibility for zoning all of their land into three precise categories, and undertaking assessments of new development areas, we make an urgent call to ensure that they have the right in-house planning, architectural, heritage, landscape and surveying skills to assess sites for their suitability within ‘Growth’, ‘Renewal’ and ‘Protected’ areas, and to test their capacity.
- There will be an urgent need to plug the Local Authority skills gap and shrinkage, and this will require strong partners in the community.
- Resourcing is consequently a major conundrum, which is further aggravated with many planning departments already having cut spending. Any system, let alone one of zoning and neatly categorising, cannot be implemented effectively by planning authorities which have been chronically starved of funding and resources and will continue to be so.
- Local planning authorities need to be resourced better, and soon, to allow them to get to grips with fast-paced reforms and be democratically accountable in delivering an effective planning service.
- We believe that rather than wholesale ‘scrap & rebuild’ as outlined in the WP, our limited national resources would be better spent on refocusing time and training on proper place-shaping through the existing planning system.

## **EQUALITIES IMPACTS**

**6. 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?**

- No more impact than on the population as a whole, although they may be more adversely affected by the reallocation of national resources to planning which the White Paper demands.
- Digitalisation may exclude certain groups.