

YORKSHIRE & HUMBER Association of Civic Societies



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29th October 2020

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

Dear Sir or Madam,

Planning for the Future: White Paper Consultation

Please find attached our comments on the above consultation.

Having discussed this with members of the YHACS committee and taken soundings from our members across the region (where we have some 40 member civic societies), we have concerns about the proposals in the White Paper. In this, we are not alone, of course.

In summary, while we think there are some interesting ideas in the proposals, much more detail is required before we can pledge our support:

- We like the idea that the public will have a greater and possibly more structured say in the creation of Local Plans.....
- But this should not be at the expense of losing rights to comment on detailed applications.
- Public engagement at the 'front end' of the new process cannot be assumed; it will be resource intensive and the general public may not wish to devote the time required to do it well. Some originality will be required to encourage public engagement and that could involve running workshops and discussion forums outside normal office hours.
- Proposals for 'zoning' are too simplistic and require further work. There are more questions than answers.
- We like the emphasis on design and can see that design codes could well have their advantages....
- But design codes will require considerable time and effort to draw up and how they will be implemented, monitored, enforced and reviewed needs to be explained in much greater detail.

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- Introducing a new planning system will take time and require funding. Local authorities will struggle to implement a new planning regime and IT systems without the provision of additional funding.

We look forward to hearing more on how the proposals might be taken forward but we assume there will be further consultation before any of the proposals become law.

Yours faithfully,

Peter Cooper BSc CEng MICE,

President.

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Background

YHACS is a registered charity (reg no. 1112290) established in 1999 to act as a representative and support organisation for civic and amenity societies across the region. We currently have some 40 civic and amenity societies within our membership representing an estimated 7,000 individual members. YHACS and many of our members are also members of Civic Voice.

YHACS is run by a committee of volunteer trustees who give of their time freely in pursuit of our charitable aims. All are also heavily involved in running their own societies. A full list of our committee can be found on our website: <https://yhacs.org.uk/our-people/>

Our member societies (see <https://yhacs.org.uk/our-members/>) are independent, grass roots groups of citizens who seek to enhance the quality of life in their own communities. Our focus is on place making – helping to improve the built and natural environments through good design, architecture and planning while at the same time respecting our built and natural and heritage.

Many of the comments that follow will also be reflected in responses being submitted by individual civic societies. Rather than respond to each individual question and proposal, we have focused on a number of broad areas in the document.

Role of the local plan and zoning

We note the overarching principle in the document to front-load consultation at a community, and to a significant extent, local authority level so that the Local Plan becomes the point at which most consultation is undertaken. In theory, the potential for greater community involvement at this stage is to be welcomed but we wonder whether it can be made to work in practice and whether, in fact, it will lead to even greater dissatisfaction with the planning process because people are more used to commenting at the stage when applications are actually lodged whereas the new proposals seem set on removing or curtailing this opportunity for later input: apart from the protected zones, opportunities for input at the equivalent of reserved matters or full application stage will be minimal as long as proposals adhere to pre-determined design codes and master-planning concepts.

There is no doubt that community influence at an early stage in the planning process is crucial. Many of our members complain that they are often brought into the process too late to make a significant and meaningful contribution to discussions. The Local Plan is obviously a way for the community and community groups to help identify suitable land use and to set the tone for development on individual sites. However, even with a simplified Local Plan, we are sceptical that public engagement of the level and quality necessary to be truly influential is achievable.

This is based on our experience with the current Local Plans process, where individuals and communities feel that they simply cannot engage for a variety of reasons ranging from complexity of the issues under consideration and unfamiliarity with the process and

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concepts, to the time required to undertake close scrutiny of the matters in hand and the difficulties of examining detailed plans on-line.

Thus, we are concerned that these proposals will end up reducing the input by local residents and community groups. If the Local Plan process can be made to work as suggested in the proposals, then most of the key issues will be resolved at the master plan stage. There should, then, be nothing to lose (and little time lost) by allowing people to comment on what will in any event be a narrow range of issues at the detailed planning stage for each new development scheme.

We know that the majority of people generally tend not to pay close attention to planning matters until they see something that will have a direct bearing on their own property or street. Under the new proposals, by the time the penny has dropped, it will be too late for people to engage. We feel, therefore, that front-loading community engagement while denying the opportunity for later comment, and even objection at the point where detailed planning applications are being prepared is a retrograde step and one which is likely to backfire. In removing the right to comment on detailed plans, we think the government will be storing up problems for the future.

On the point of zoning, it remains unclear how this could be made to work in practice. What sort of area would qualify as a 'zone' – would it be done street by street or even block by block? What about exceptions – for example, what happens to buildings classed as heritage assets but not yet listed that lie within a Growth area?

Focus on design

We welcome one of the central thrusts of the White Paper which is a renewed focus on design. We see far too many substandard and mediocre developments that do not respect their local context. A national design agency is a positive move as long as its role is seen as advisory, supportive and enabling. Decisions about design must be taken locally (and in this context we support a Chief Officer role for design within each local authority as proposed.)

The use of pattern books and design codes as a guarantor of higher quality design is a positive aim, as long as this does not end up with a uniformity of approach. The more detailed the design code, the greater the risk of uniformity without reference to local context and vernacular. We want to see a move away from volume housebuilders using the same templates over and over again and we don't want to see design codes reinforcing the standardisation of building design across the country.

A number of questions remain unanswered. How would an innovative – but non-compliant – design be accommodated in this regime? It would seem perverse that very high quality, but non-compliant, proposals would have to go through a full planning application – something that developers are unlikely to countenance, while the country is built over with humdrum and pedestrian buildings that all look alike because they don't have to pass through a detailed review process.

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Further, how could adjustments be made during the life of the design code for changes in approach and best practice (e.g. regarding climate change) which may affect design if the principle of form following function is followed? And how will the proposed “fast track to beauty” be managed in practice – beauty is surely a subjective matter and it is unclear how a rules-based planning system could be a guarantor for beauty, let alone who the final arbiter of beauty would be. In any event, if the yardstick by which “beauty” is measured is compliance with the design code, then surely all applications must be beauty-compliant or else fail to achieve the standards laid down by the design code?

It should also be borne in mind that the implementation of a design code is a matter of interpretation. There is always a concern that noble intentions are dumbed down in the implementation phase. Or that a developer’s interpretation (or indeed that of the local authority) is not one that the local community would recognize. The opportunity to comment on detailed planning applications is the only opportunity to test the extent to which design codes are actually being implemented.

Strategic Planning and Duty to Co-operate

We note that the white paper proposes to abolish the duty to co-operate but does not provide an alternative. We acknowledge that in practice the duty to co-operate regime does not work well, but equally the country lacks an obvious structure where these cross-border issues can be discussed in a consistent way. The white paper glosses over how planning interacts with other broader infrastructural issues (for example major road and rail developments) – these are necessarily regional and even national matters but ones which impinge on much new development. A practical way of managing these interactions needs to be properly articulated.

In our own region, some localities have mayors and combined authorities and others do not. A regional spatial strategy or equivalent would potentially resolve this problem, but it is not clear who would take the lead on this in the absence of any relevant Yorkshire-wide body. Until there is a consistent structural regime in place to consider these issues, we feel that a duty to co-operate or something similar needs to be in place, if only as a backstop.

Focus on housing and housing numbers

We are of the view that it is not the planning system which leads to a shortfall in housing targets. The problem is a structural one caused by land values and the withdrawal of local authorities from the housing market. The provision of new homes to meet social need cannot be left to the private sector which is driven by profit margins.

Whilst the move to a rules-based approach to planning may provide more certainty for all parties including developers, we doubt that any of this will fundamentally change the actual build-out rates. Housebuilders will need access to skilled labour and building materials and these cannot just be magicked up overnight.

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Attempts to speed up of the overall process may provide developers with more assurance but, as already stated, the proposal to remove the right for community scrutiny and comment at the detailed planning stage is much regretted and we cannot support this. Zoning based on design codes is another way of allowing a form of permitted development but how will housebuilders be held accountable if they do not follow design codes? (Who will, in fact, decide whether a design code has been applied to any new scheme and what enforcement powers will local authorities have to require builders to change plans, even if building work has already started?)

In so far as the rationale behind streamlining the planning system is to increase the number of units built, we feel that the measures proposed will only have a marginal effect.

In effect, the White Paper is entirely the wrong answer to the perceived problem.

The use of digital technologies

There is clearly a need to update the way in which those who put together plans interact with the public. Greater use of digital technologies (particularly relevant in the current Covid-19 situation) is one way of improving access to and engagement with the planning process. More thought is needed as to how this might work in practice, what technologies are appropriate and at what stage they are best deployed. It is probably right to focus more on digital engagement and less on physical engagement given that it is often more difficult for people to attend meetings, workshops etc. Nonetheless, many people are not comfortable with engaging digitally, and alternative means of engagement should always be made available.

We hope that the Government will provide resources to help develop the technology and that it will be tested and working from the outset. Perhaps it would be best to set up a trial or pilot study before rolling out nationally?

Listed buildings and conservation areas

We note that some areas would be designated as protected areas and that these could be coterminous with existing conservation areas or potentially areas with local historical value (e.g. through the identification of local listing schemes). In these areas, individual planning applications would continue to be considered as at present. What is less clear is how listed buildings or heritage assets that form part of other zones (growth and renewal) are considered. Equally, what is the impact on a zone (and supporting design codes) if a building or a group of buildings achieve listed status or locally listed status after the design code has been established? This should mean that their siting and location and how new build will impact upon them becomes more important – would this necessitate a revision to the design code already in place?

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Neighbourhood Plans

These are given significant status in the NPPF, but there is a suggestion that their role may be narrowed in the white paper. There is a question mark over how existing neighbourhood plans can co-exist with the new white paper proposals. They may not be coterminous with the proposed zones. Their view of design, land use, infrastructure and the like may contradict what is included in a zone. How is this resolved? More broadly, there seems to be a suggestion that neighbourhood plans may no longer have a broad focus and that their influence may be limited to design considerations. We do not support this change.

Overall conclusions

YHACS considers that the broad aims of the white paper are laudable. We are concerned however, that meaningful community engagement may be difficult to achieve at the local plans and master-planning stage. Ultimately, we do not consider that marginally speeding up the detailed planning stage by removing local authority and community scrutiny is a price worth paying. For all its failings, the current planning process offers communities multiple entry points for input. The proposals significantly curtail these opportunities for engagement.

We also wonder if extra resources will be provided to local authorities to introduce the changes? Setting aside the need for much greater community engagement in the early stages, it will be necessary to assess whether local authorities have the right skills and experience to deliver the changes and to work within the proposed system. If resources are not made available, all this is just a window-dressing exercise.

There is clearly a lot of detail that is yet to be worked out, and we consider that further consultation is essential before any legislation is drafted.