RIPON CIVIC SOCIETY

PLANNING FOR THE FUTURE
White Paper August 2020
Ministry of Housing, Communities & Local Government

Ripon Civic Society … is established for the public benefit … in the area comprising The City of Ripon and surrounding villages …
(i) To promote high standards of planning and architecture…
(ii) To educate the public in the geography, history, natural history and architecture …
(iii) To secure the preservation, protection, development and improvement of the environment and features of historic or public interest …

Pillar One - Planning for development

OVERVIEW

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

Stretched, distant, pigeon-holed. *Planning shines a light on how we live, work and play together. It should be the leading means to making better places. Instead it is too frequently seen as an opaque, regulatory obstacle unable to tackle the eyesores, neglect and conflicts of today.*

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

Yes. *We receive the published lists of valid applications and comment on those where we need to add value to decision making. We take part in and facilitate Planning initiatives including the writing of our made Ripon Neighbourhood Plan and proposals for a substantial urban extension. We seek enforcement action especially to protect the natural and historic environment.*

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?

Online news / newspaper / post. *Direct and pro-active engagement from the local planning authority would be welocme. Social media is too irregular for trustworthy engagement.*

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

The environment, biodiversity and climate change / increasing the affordability of housing / the design of new homes and places. *Planning should be understood to be holistic, not a shopping list. The thrust of planning is being driven from a metropolitan perspective. The realities of market towns (and small cathedral cities) and rural hinterlands must not be assumed to follow, wish to follow or have the facilities and infrastructure to pursue metropolitan opportunities.*

A NEW APPROACH TO PLAN-MAKING

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

No. *Planning is both strategic and local. Local planning authority areas come in many different contexts and with distinct content. The proposals fail to enable this diversity by the application of a narrow template. Of course it takes too long to adopt a new plan, especially as most will have been over-taken by events. The issue is how to ensure the robustness of a local plan and*

its sensitivity to change. Local Plans include those matters that are important to their area and neighbourhoods. This could be lost.
The three zone approach is simplistic. Zoning-based approaches in other countries do not avoid conflict, argument and challenge. They do not speed up preparation of ordinances because clarity demands close attention.
There is an unjustified optimism that land use parameters and design codes should be sufficient to set out a self-service planning decision. Categories of growth, renewal and protection may explain the strategic directions of a local plan but this can be done now. However, these are inadequate for any useful basis of decision making given the broad scope of constraints and opportunities that are integral to plan-making.

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**. In principle, development management policies need to be relevant to local circumstances to have justification. Areas inevitably face common and similar concerns, but they need also to be able to anticipate local concerns. Rather than general development management policies at a national level, which just feels unnecessarily centralist, there may be value in nationally provided templates. Local planning authorities should review their use of policies at regular intervals.*

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**. The assessment of this test will probably need to include the content of the existing ones but this part is valuable, given the definition of sustainable development. The question is somewhat tantalising with its reference to environmental impact. The environment assessment of policies and plans is a substantial requirement of plan-making leading, it could be argued, to duplication of effort. Clarity on what the proposal intends in this regard would be helpful.*

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

Bring back / forward regional planning. Combined Authority arrangements may be appropriate for much of England.

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

***Not sure**. There would appear to be an initial appeal but without understanding how housing requirements aggregate at regional and national levels it is not possible to comment on what the baseline impact would be.*

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?

***Not sure**. This depends upon definition of terms used. Planning for growth suggest that the extent of existing urban areas will be too restrictive. The level at which housing need is assessed is also relevant. A local plan area may contain several distinct urban areas whose characteristics should be identified.*

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

9(a). Do you agree that there should be outline planning permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

***No**. There needs to be a proper definition of Growth areas and their parameters. This is unclear. Are these garden towns, new settlements, major infrastructure projects? The potential*

for development corporations is interesting but these would be few and far between. The concern is that the criteria for growth areas will be lowered such that they become merely local with little strategic imperative. Properly defined local plan allocations will set out what is required of development proposals. Given the obvious scale of Growth areas there is an essential need for trustworthy and committed engagement with those affected. The planning application is an essential commitment to this engagement. Outline planning applications are insufficient without a clear minimum specification of those matters to be dealt with at the outset and the content of reserved matters applications, their timescale and those responsible.

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

***Not sure**. It is acknowledged that there are decision-making route options for Renewal areas but the concern is the criteria that will support the choice of route. In any event, there is concern about the opportunity for community engagement.*

The continuation of current arrangements in Protected areas is acknowledged. However, the opportunity for community engagement with applications as now is no sop to involvement in the more major changes envisaged in Growth and Renewal areas.

The current enthusiasm for extension of permitted development rights is misplaced. It requires urgent review and should only proceed with clear parameters for visual impact, neighbour amenity and accommodation standards.

9(c). Do you think that there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Project regime?

***Not sure**. This depends upon capability. Instinctively, this does not feel a welcome proposal as NSIP is not generally understood and could be seen as aloof and a means of getting around the remit of local planning authorities.*

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

***Not sure**. It is important to understand the place of planning decision-making within the development process. The planning application is but one factor, albeit an important one. Developers require finance, legal and contractual agreements, procurement and other regulatory approvals. Financial progress can depend upon the macro-economic position including interest rates, the equity position of quoted companies, availability of debt, considerations for owner, contractor and purchasers. In this context, disproportionate criticism can be laid upon planning decision-making. The planning outcome needs to be the quality of the development and all players should contribute to expediting this.*
Greater delegation in decision-making is only as good as the calibre of professional practitioners and the transparency of community engagement.

A NEW WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

***Not sure**. In principle it is inevitable that digital applications should and will be used and developed. Guidance on common criteria and standards should be welcome whilst recognising that innovation may not be exclusively a central capability. The big picture remains that the Planning system must not be exclusive and, accordingly, a range of media needs to be available.*

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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

***No**. At best this is an aspiration. Seven years to prepare a Local Plan is understandably astonishing but the proposal would have been more credible if it had analysed clearly and*

throughly why it takes this long. The proposed timetable makes no allowance for the initial engagement with local issues, ignores the time spent to evaluate the call for sites and underestimates the sequential relationship of tasks. Additionally, there is the availability of staff resources both in person and in skills. Some of the possibilities are challenging and deserve consideration but there are concerns about the suggestion that local planning authorities can be 'judge and jury' and removal of the right to a hearing. Some of the possibilities are challenging and deserve consideration but to remove one stage or another may risk the challenge of natural justice. Throughout the proposals is the concern that community engagement will jeopardised. A statutory right for competent civic societies to be consulted may assuage this to a degree. Acceleration of local plan preparation deserves closer attention to roles, resources and practicalities.

13(a). Do you agree that neighbourhood plans should be retained in the reformed planning system.

***Yes**. This is becoming of increasing importance with the advance of unitary local government. Larger geographic unitary councils would benefit from the local knowledge, capability and resources of neighbourhoods. It should be argued that neighbourhood planning is made an explicit function of lower tier authorities.*

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tolls and reflecting community preferences about design?

***Not sure**. This is an area of the White Paper proposals that deserves further exploration from the perspective that neighbourhood plans are important, not just optional. Instinctively, a focus on design appears to relegate neighbourhood plans and prevents them from addressing the neighbourhood comprehensively.*

SPEEDING UP THE DELIVERY OF DEVELOPMENT

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

***Yes**. The question is how. There would need to be a proportionate response and one which is defendable. The ultimate penalty could be the rescinding of the planning permission but this would seem unreasonable given that the development was fit to approve in the first place. There may be elements that should be completed within a specified timeframe which if not delivered would be penalised; for example, designated items of infrastructure, protection of specified heritage assets, implementation of natural environment protection measures. There could be a case for reducing the timescale by which an outline application would need renewal.*

Pillar Two - Planning for beautiful and sustainable places

CREATING FRAMEWORKS FOR QUALITY

15. What do you think about the design of new development that has happened recently in your area?

Mostly indifferent. Some individual private dwellings are of high standard in design and environmental performance. Volume built estates are generally bland. Small building companies appear to be more keenly aware of good design. Recent non-residential development is competent but "anywhere".

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area.

Energy efficiency of new buildings. More protection of the natural environment. Less reliance on the car, being a market town and small cathedral city in an extensive rural hinterland, is not a high priority for existing residents but a principal cause of resistance to further development.

Sustainable transport measures for walking (especially to address mobility access) and cycling, do have some support.

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

Yes. Anything that provides convincing commitment to improving the standard of built and landscape design is to be welcomed. The memory of Circular 22/80 still resonates. Concern is two fold: the capability and capacity of local authority practitioners and the ability to sustain a commitment over time. Whilst there may be concern about any inflexibility embedded in design guides and codes, the priority is to improve the bland and mundane. This is not about style, it is about care, thought and place.

18. Do you agree that we should establish a new body to support design coding and building better place, and that each authority should have a chief officer for design and place-making?

***Yes**. With some hesitation this would be welcome. Design coding is relatively new in England although there is emerging capability. This should be open and available, rather than previous design review processes which could be somewhat elitist and opaque. Local authorities should have a Chief Place-maker (why not call this a Chief Planner?) However, this person's position in the organisation needs to be informed by the needs in delivering corporate priorities. The essential characteristic is the ability to commit to, procure and support a team with necessary skills, rather than the Chief Place-maker hiding in an office and doing it themselves.*

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

***No**. It appears from experience that Homes England will struggle with this when it is in effect acting as agent for maximising value for Government departments. When it is a partner with others as a housing provider it appears to have the capability to promote better design. Whilst the former is most likely to be its brief, the opportunity for Homes England to exercise an exemplary design role appears, unfortunately, to be somewhat limited.*

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

***Not sure**. There is much terminology that needs explanation. Better design has an immediate appeal and deserves support but scepticism is understandable. The proposed NPPF clarification appears to be welcome. Omission of community engagement in the second track is a fundamental error and needs to be rectified to warrant support. The third track is essential to complete before any further commitment to and reliance upon permitted development is proposed.*

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

The lack of specific questions to address proposals in this category is worrying. A separate consultation is necessary before any conclusions should be drawn on Pillar Two.

Pillar Three - Planning for infrastructure and connected places

A CONSOLIDATED INFRASTRUCTURE LEVY

21. When new development happens in your area, what is your priority for what for comes with it?

Planning is holistic, it is not a shopping list. Development proposals should make their locality a better place, not just mitigate its worse excesses. This guides the outcomes be they quantitative or qualitative. Community engagement is an important part of this decision-making.

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?

***Not sure**. Planning permission can award substantial increases in land value and these should be captured in a reasonable way to mitigate the development impacts and contribute to making a better place. The question is how and where the public interest is assessed and negotiated. Even within existing local authority areas, contributions are not necessarily applied in a reasonable manner. Suggestions of fixed proportions and set thresholds do not reflect subsidiarity.*

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 an area-specific rate**. This would need regional and lower area consultation but is preferable to extensive activity at a local level.*

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 value**. This is to support development making better places rather than leaving them, ostensibly, no worse.*

22(d). Should we allow local authorities to borrow against the infrastructure levy to support infrastructure in their area?

***Yes**.*

23. Do you think that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

***Yes**. The scale of development able to be permitted under GDPO is now so substantial that it is likely to have measurable impacts.*

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 tag present?

***Yes**. Given the concern for affordability and the desire for mixed communities in current Planning policy this follows.*

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**. Local factors will be relevant.*

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

***Not sure**. Local factors will be relevant.*

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**. Local factors will be relevant.*

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

***Yes**. The allocation of levy funds under current arrangements is an important incentive for neighbourhood planning. The move to unitary councils, especially in more rural areas where*

there has been greater preparation of neighbourhood plans, requires that arrangements for spending the Infrastructure Levy are especially transparent.

25(a). Should an affordable housing 'ring-fence' be developed?

Not sure.

26. Do you have any views on the potential impact of the proposals raised in consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

The implications for community engagement throughout this response applies to people with protected characteristics.

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