

Planning for the Future

Landscape Institute response to the 2020
Planning White Paper

About us

The Landscape Institute (LI) is the royal chartered body for the landscape profession. As a professional organisation and educational charity, we work to protect and enhance the built and natural environment for public benefit. The LI represents around 5700 landscape professionals, including landscape architects, managers, and planners, urban designers, and parks managers, working across urban and rural areas.

Our members work to achieve forms of development that enhance the natural, built, and historic environment. Landscape professionals identify and coordinate the provision of green infrastructure: from active transport routes to sustainable drainage systems for floodwater management. Our members work to deliver healthy and safe places for communities to live, and design schemes that support social and cultural wellbeing; they enhance biodiversity, help conserve natural resources, and mitigate and adapt to climate change.

1 Key headlines

1. We **support the ambition for reform** of the planning system to increase the standard of design and to improve environmental outcomes. The system is not broken, but reform is needed.
2. The **best planning is landscape-led**. This means planning places which respond to their existing environment, work with natural assets, and create Environmental Net Gain wherever possible. It is good for people, good for nature, and good for the planet.
3. The **foremost challenge for planning is climate change**: mitigating it and adapting places to its effects. If the planning system is not in service to addressing climate change, it is not fit-for-purpose. This means building in the right place, with low-carbon materials, and designing places that are green, resilient, dense, and walkable.
4. A **plan-led map-based system**, with use of zonal permissions where appropriate, can achieve this. However, an overly simplistic approach risks creating unintended consequences, and a cautious approach to Design Code-led 'Growth' areas should be taken.
5. Local areas must retain the ability to raise standards through **locally-set policy**, beyond national prescriptions. This is essential for innovation and to respond to local characteristics.
6. Proper consideration of detailed environmental matters (ecology, flooding, amenity, etc.) is vital for sustainable development design. There should be **no simplified route to detailed consent** without due consideration of these.
7. **Raising the standard of design** is essential and very welcome. This requires more professional attention, not less. Therefore whilst properly-skilled Chief Design Officers will be beneficial, new permitted development rights will not.
8. **Constraints should be included** in national housing targets, but only if those constraints are accurately assessed. This must include broad landscape and environmental matters, including local designations.
9. **Proper sustainability assessment** of both plans and applications is essential, and we agree this can be improved. The ambition must be to make EIA/SEA better, not just quicker.
10. A **digital-first system** is the right ambition, if it results in greater transparency, democracy, and efficiency. In decision-making, qualitative human judgement will always be needed and should be the default.
11. The **replacement infrastructure levy** will be a success only if it delivers more money for local infrastructure, including green infrastructure and its maintenance.
12. Successful planning depends more-than-anything on diverse, **skilled professionals**; in the public and private sector, and across planning, design, construction, and management. Working with Professional Bodies to raise standards is vital.

2 Introductory comments

The purpose of planning should be to positively promote the spatial organisation of land, in order to achieve long-term sustainable development. A fit-for-purpose planning system must create green, healthy places for future generations as well as current ones. This includes resource use (in terms of natural resources, and land itself) but also resource management: ensuring that natural capital assets such as rivers, woodlands, soils, etc., are well maintained and enhanced for future generations. Planning must tackle climate change, the biggest challenge we face.

For the public to believe that the planning system will protect their interests and deliver wider public goods, it must be able to demonstrate that it can effectively deal with a wider range of public concerns, and not be simply a tick-box exercise on the route towards new development. The planning profession has in the past been too disconnected from headline environmental and social concerns, such as climate change, biodiversity loss, human health, etc. and this is a chance to rectify that.

The current system is not totally broken: collaborative groups of built and natural environment professionals have delivered many world-class and inclusive places in recent years through the existing planning system. However, there are still too many developments which are poorly-designed, grey, unhealthy, and impede our ability to tackle climate change. We support reform to address this.

2.1 The importance of landscape-led planning

The vision for any new housing development must first and foremost be informed by an understanding of the characteristics unique to its specific location, its local landscape character. These include natural factors, such as landform, hydrology, geology, soils and climate, biodiversity; and human influences, such as historic land-use and local cultural perceptions.

New development must respond positively to the opportunities provided by the natural environment. The setting of a development will make a key contribution to interpreting or defining a sense of place and in supporting the local economy. Layout, form, open spaces, architecture and choice of materials should reflect landscape context and help create a distinctive character and a sense of identity for new communities.

Designing with nature, through a green/blue infrastructure approach, will deliver a whole host of benefits, such as reducing the risk of flooding, enabling wildlife to flourish, cleaning air and water, accommodating active travel routes, providing space to grow food and making new neighbourhoods more liveable. A landscape-led approach makes new housing more resilient to a changing climate.

A vision and masterplan that works with, rather than against, these factors will root new neighbourhoods firmly in their landscape context and provide a strong sense of local character to which people can relate. Understanding the landscape context will help to locate development plots within a site, and maximise the available space for built development within environmental limits.

3 Response to specific questions

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

No. Not as outlined in the White Paper.

We support the ambition for Local Plans to be made simpler to understand and to be modernised in their presentation. In particular, it is important that Local Plans are as accessible as possible to all users. Ensuring they are fundamentally map-based and available online in a machine-readable format¹ will enable this. Standardising Local Plans in this way can enable other digital services to be built on the back of the information they contain, which can inject much-needed transparency into the planning system.

We are also supportive of some increased use of zonal decision-making, alongside spatially-specific policy application. Done well (i.e. with appropriate masterplanning and design standards) and at the right scale (i.e. sufficiently granular), this can lead to positive landscape-led approaches which provides greater certainty for all stakeholders.

The zoning of certain areas as ‘Growth areas’ where an associated outline planning permission is hardwired in could work well in some places, e.g. new town/brownfield sites coming out of public ownership. This assumes a reserved matters permission would follow as now, and that it is delivered alongside masterplanning and codes, with the right investment for enabling infrastructure. In particular, the proposals to increase the use of local design codes would make granting larger-scale outline planning permissions more appealing to local authorities, and (if done well) reassure communities that a well-designed scheme will follow.

However, whilst such zoning approaches can work well, we support their use only when appropriate – and do not agree with the proposed tripartite structure when set alongside the other proposals in the White Paper, nor the proposal to categorise all UK land into these categories.

Whilst Growth sites can be successful tools, the allocation of this type of site (Growth) must continue to rest with the Local Planning Authority, and not set centrally based on standard criteria. The White Paper refers to sites around universities for example; however, there are many cases where this would not be appropriate for obviously reasons. Whilst the White Paper does not include proposals for standard criteria, it is easy to see how such expectations could develop over time. This would eliminate a fundamental principle of sound planning practice - to consider every development proposal within its local context and on its own merits.

Likewise, it would not be appropriate for any quantitative requirements to be imposed upon local authorities (e.g. for minimum percentages of allocated Growth area land). The category titles are important in this regard, in the expectations they create. For urban areas, it would be reasonable for some developable land to be assigned as ‘Protected’ (for instance because it abuts a Conservation Area in a spatially complicated manner and therefore warrants full

¹ With reference to Proposal 2, note that a plan being available in a machine-readable *format* does not require the policies contained within to be standardised in a machine-readable (i.e. binary) form.

development management consideration). Likewise, ‘protected’ National Parks will continue to need development growth for affordable housing, farm diversification, etc.

The reduced time window for creating a local plan would also (rightly) make the allocation of Growth sites less attractive to local authorities, if proper assessments of things like biodiversity, land contamination, etc. – were not able to be successfully carried out fully within the 30-month window. For the majority of large-scale sites, whilst baking the outline planning permission into the Local Plan will save some duplication and time, it is unlikely to make a profound difference on timescales, which will continue to be dependent upon markets and the time it takes to properly assess and remediate constraints on large, complex sites.

Zoning approaches also need to take care to both protect certain areas of land, and also provide for their connectivity². Category lines on a Local Plan must not further isolate already fragmented habitats, which reduces their resilience and the ecosystem services they can deliver.

Whilst the proposals under Pillar 2 would alleviate some of these concerns in theory, it is too early to assess whether they would be successful in practice. Poorly designed and poorly built places will have a “long tail” of negative impacts on communities, not to mention the environmental disbenefits of bad development.³ It would be better to ensure the success of these design proposals before deregulating other parts of the planning system which function to improve it.

3.6 Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No.

We welcome some degree of streamlining of development management policies. Most Local Plans could be substantially reduced in length by removing the need to repeat policies that are substantively identical to those in the NPPF (which are included in order to meet soundness test 35d) and which would be assumed to apply anyway. It is sensible to have these policies apply nationally – as they already do – in a clear standardised language.

Avoiding the repetition of NPPF policies in a draft local plan also removes the expectation amongst communities that they can affect these nationally-derived policies at local plan consultation stage, which can be a source of frustration for all parties.

However, not all development management policies should be set nationally. There must continue to be room for planning authorities (including neighbourhood planning groups) to set their own locally-specific policies, in order to respond to local circumstances; as well as to innovate, trial new approaches for national adoption, and to set higher standards where these are deliverable (i.e. in areas of strong viability). This is particularly true of policies which seek to deliver higher local environmental standards, and especially reductions in carbon emissions.

This is not only for the benefit of local areas, but has a national benefit too. By way of example, policy on biodiversity net gain (BNG) is due to be extended nationally through the

² Ref: the State of Nature Report, Lawton Report, etc.

³ <https://www.designcouncil.org.uk/sites/default/files/asset/document/the-cost-of-bad-design.pdf>

Environment Bill – however the policy was first trialled by Warwickshire County Council (amongst others)⁴ and was found to be sound by the Inspectorate. The learning from this trial has been key to demonstrating that the policy could be adopted nationally without major risks.

We are not opposed to standardising the language of new development management policies, in order to aid transparency and accessibility. However, care would need to be taken to ensure this did not frustrate the ability of local areas to innovate and raise standards through policy. It may be possible to limit local development management policies to some degree, with reference to a broader national policy framework: for example, by permitting only those which seek to deliver upon one or more of the Sustainable Development Goals. This is comparable to the approach taken in Wales, with reference to the Wellbeing of Future Generations Act.

Furthermore, whilst development management policies themselves may be streamlined, there is no need to artificially limit the content of a Local Plan beyond what is reasonable. Most Local Plans will contain other ancillary content, including statements of ambition for a local area which go beyond policy or design rules (particularly where an LPA does not have resources for separate long-term visions or strategies). These play an important role in articulating what is important and meaningful for an area, and can help with community buy-in.

3.7 (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, if done well.

We agree that the existing tests of soundness could be replaced, in line with the other proposals in this paper. This includes a slimmed-down assessment of deliverability. Without the details of what would constitute the proposed ‘sustainable development’ test, it is difficult to assess this proposal further.

We also agree that there is an opportunity to improve the existing Sustainability Appraisal system, which can be simplified both in terms of its process, and the amount of duplicate or redundant evidence it considers. We are in favour of reform.

However, reforming the Sustainability Appraisal process must be an opportunity to improve the existing system, rather than solely to simplify it. This requires not just making the process simpler (which is needed) but also to make it more impactful in terms of the consideration of appropriate evidence, rather than simply a tick-box exercise. In particular, there is a need to consider environmental issues as a holistic set of opportunities, early in the development process, rather than a siloed set of challenges to be overcome at detail stage.

Any alternative system must include a robust assessment of both environmental and social impacts (including human health and wellbeing) in a way that is – at a minimum – commensurate with the UK’s existing legal obligations and treaties. The current legal minimum (i.e. Strategic Environmental Assessment (SEA))⁵ offers a relatively comprehensive

⁴ See: <https://naturalengland.blog.gov.uk/2019/02/08/implementing-biodiversity-net-gain-in-warwickshire/>

⁵ Environmental Assessment of Plans and Programmes Regulations Act 2004

framework for this, and although its *application* could be greatly improved, we would be concerned with any retreat from this standard over the longer-term as the UK leaves the European Union. The UK also remains a signatory to the European Landscape Convention,⁶ and this should inform the development of an alternative approach over time.

The main flaws within the current process are less on the legal/policy framework, and more in their application – in terms of the availability of up-to-date evidence, the resources needed to plug any gaps, and the skills required at a local level to both undertake assessments and (on the LPA side) to consider their implications. Within the landscape sector, there has been a significant loss of resource in the public sector over recent years, and the sector faces national skills shortages across the public and private sector.⁷ This will need to be considered in the upcoming resources and skills review.

There is a separate issue pertaining to Screening Reports (i.e. determining whether assessment is required or not). In the current system, SPDs rarely require a separate SEA – and we are not aware of an SEA being undertaken on a design code. The proposals for a greater role for design codes and standards (which is welcome) makes this a possible area of weakness. In particular, where these design standards set physical rules (height, density, etc.) and mandatory requirements for green infrastructure provision – as they should.

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

If there is a lesson to be learned from Duty to Cooperate (and past approaches) it is that there is no one-size-fits-all solution to cross-boundary planning.

The planning system struggles to achieve its potential without a coherent framework of strategic spatial policies – at national, regional/landscape, local and neighbourhood scales – to deal with wider-than-local issues such as green belt, catchment management, nature-recovery networks, etc. Some form of regional spatial strategies to rationalise the many competing demands on land and on the built and natural environment are required.

In larger metropolitan areas, the Mayoral Combined Authority structure already provides this opportunity for wider regional strategic issues, and in the case of London, a regional plan-making function. The White Paper is unclear about the continued role of spatial development strategies such as the Greater Manchester Spatial Framework and the London Plan, and this needs greater certainty.

For Green Infrastructure (GI) planning this has been particularly important – for instance the GI Framework for Greater Manchester, All London Green Grid SPD, and the Leeds City Region GI Strategy – which have helped coordinate cross-boundary matters including biodiversity, access to nature, and floodwater management.

If Proposal 4 proceeds, and a standard method of housing allocations is produced which includes constraints, then that function would not need to be retained – however we do not believe that would obviate the need for broader strategic planning functions where they exist. (We also do not support Proposal 4.) The role of the London Plan for instance has been valuable in providing a platform for coordinating landscape planning matters through SPDs,

⁶ <https://www.coe.int/en/web/landscape>

⁷ Shortage Occupation List 2019

such as the All-London Green Grid. We support the continuation of this type of function, and believe the proposals in the forthcoming Devolution White Paper could help enable this.

The greater challenge lies outside of these areas, where there is neither an obvious spatial hierarchy nor a history of effective collaboration via County Planning Authorities or Joint Planning Boards, on strategic issues such as minerals or waste planning. We agree a better mechanism is needed to promote strategic collaboration in these areas.

In particular, there is a challenge of aligning strategic environmental issues across complex and sometimes incompatible spatial areas (for instance the Local Nature Partnerships for example do not map neatly to the Catchment Partnerships). Some of these bodies have a role in planning, some do not. The 2019 Defra Landscapes Review identified the flaws contained in the fact that National Parks have full planning powers whilst AONBs have none, not even statutory consultee status, and we support the enactment of the Glover Report's recommendations.

The National Character Areas remain the best and most integrative partition of land, as they are both science-based (in terms of the result on soils, micro-climate, topography, ecosystems and baseline geology of human intervention over time) and because they marry environmental and social-historical matters. A greater use of these as a cross-boundary planning framework would support the ambitions of the 25-Year Environment Plan.

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

Yes. But not to the extent described in the White Paper.

We believe that the existing calculation can be greatly improved, and that a standardised methodology which takes account of constraints at the outset would be a positive step. One of the principle flaws of the existing calculation is that it does not account for constraints at the outset, and therefore prejudices the ability of a local area to meet its housing requirements. This leads to poor decision-making at the local level.

Were a revised standard method to be introduced, we would strongly support the inclusion of landscape, flood risk, and other designated areas of environmental and heritage value as constraints – as stated in the White Paper. This is broader than simply the existing national landscape designations.

In fact, there is an opportunity here to take a more profoundly landscape-led approach, which marries a top-down housing delivery target with a bottom-up *landscape capacity* target. In other words, how much development an area can accommodate without unacceptable impacts on its character, environment etc. (including the potential to improve an area's character through development). There are well-established methodologies for assessing landscape capacity,⁸ and we would be keen to work with MHCLG on an approach for embedding this within the establishment of a new standard method.

⁸ See, for instance: Natural England (2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817928/landscape-sensitivity-assessment-2019.pdf

It is vital that the application of these constraints is intelligently and professionally applied, and that calculations are sequenced to take account of changes over time. Land constraints are not static – their boundaries can and do change, both locally (in the case of local designations such as Green Belt) and nationally (for instance in the case of landscape designations) in response to human and environmental factors. A standard method must allow room for flexibility here, as well as on the housing supply side.

In the case of local designations (including Green Belt as stated, but also areas such as Regional Parks, Heritage Coasts, etc.) it is unclear at what stage any changes to these would be factored into the standard method – i.e. whether designations made at Local Plan stage would be factored into the housing target for future years of that Plan or not.

For AONBs particularly, we have serious reservations about the use of a standard method in the absence of increased planning powers for AONB boards, or at least statutory consultee status. As part of recent proposed changes to the standard method, a number of 'high value' authorities face a high risk of encroachment into AONBs, who are able to influence neither the housing target nor the planning of its delivery. This needs addressing.

The process for identifying “areas of environmental and heritage value” has robust and well-established methodologies, but the challenge is in the skills and resources needed to undertake them. We would encourage MHCLG to work with the relevant professional bodies here, including the Landscape Institute, as part of the upcoming Resources and Skills review.

The assessment of flood risk must be taken into account at a level which considers the functioning of drainage catchments, as well as incorporating the increased risk of flooding due to climate changes. Again, there are well-established methodologies for this.

We do believe it would be appropriate for Mayors of combined authorities to oversee the strategic distribution of the housing requirement in a way that alters the distribution of numbers.

We do not believe (as the White Paper implies in the first line of the alternative option) that the application of the standard methodology should automatically result in minimum requirements for land zoned to each category under Proposal 1. In other words, a housing target should not linearly equate to a Growth zone target – for the reasons given under question 5. It should continue to be the LPA’s responsibility to decide how to meet their housing requirements (i.e. whether through densification, new settlements, cross-boundary agreements, etc.)

3.8 (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 to the level described in the White Paper.

We agree that the extent of existing urban areas is an appropriate indicator of quantity, for the reasons given in the White Paper. Every urban area is different, obviously, and not each can absorb the same amount of housing – however, to the extent that a standard method is to be introduced, urban extent is a relevant indicator of future capacity, particularly in the context of climate change. The role of design standards will be vital here, especially the appropriate provision of green infrastructure.

Affordability is more complicated. Affordability is an indicator of low supply, but is not linearly related to it. There are many other factors which contribute to high unaffordability, including the availability of transport, the standard of design, proximity to land constraints such as AONBs, etc. An overly simplistic application of this method would simply result in greater development pressure in London and the South East, rather than levelling-up the country, which is the stated ambition.

It is also unclear how this would be offset against the “need to make an allowance for land required for other (non-residential) development”. In some cases these two factors would pull in opposite directions, for example where businesses wish to be located in areas of high population.

3.9 (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 as described in the White Paper.

As per our answer to Proposal 1, we support a plan-led system. The zoning of certain areas as ‘Growth areas’ at Local Plan stage – with an associated outline planning permission hardwired in – could work well in some places, e.g. large urban extensions, strategic brownfield sites, new towns, etc. Where the Local Plan establishes the principle of development in that area anyway, and where the evidence exists to support it, assigning outline planning permission to these areas is not a major shift from the current site allocations process.

We are unconvinced that this would represent a substantial time saving, as it would simply shift additional burdens of decision-making forward to the plan-making stage. If the evidence cannot be marshalled within the 30-month plan-making window, LPAs would be forced to simply not zone the area for Growth. Even worse would be to force minimum levels of Growth zoning, which would lead to poor decision-making. Nonetheless, it could be a good solution in some instances.

However, we do not agree that there should be faster routes to detailed consent following this, and would be concerned by an over-simplified reserved matters process. There are many important considerations made at this stage, not least matters pertaining to landscape and green infrastructure. The ambition of the White Paper to raise the standard of design (as well as to address climate change and biodiversity loss, advance human health and wellbeing, etc.) makes proper consideration of these issues vital.

Whilst the ambitions of Pillar 2 of the White Paper seek to increase greater pre-approval of design matters, this system is not yet tested in a way that would give confidence in a simplified reserved matters approach on all design matters.

Likewise, proper consideration of environmental issues at reserved matter stage is vital. In fact, the current system frequently provides insufficient opportunity for matters such as the siting and management of Sustainable Drainage Systems (SuDS) or plant species selection for biosecurity to be appropriately considered by the relevant expert authority,⁹ and this needs to

⁹ For example: <https://www.landscapeinstitute.org/news/suds-delivery-llfa-review-jan-2019-published/>

be improved not worsened. We do not believe this is an area where time savings are achievable or desirable.

We support consolidating the other existing routes to permission (Brownfield Registers, etc.)

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

No.

For the reasons given above and under Proposal 1.

We support a plan-led system, and the zoning of areas as ‘Renewal’ – with a greater use of design standards – is a positive ambition in principle.

However, whilst the ambitions of Pillar 2 of the White Paper seek to increase greater pre-approval of design matters, this system is not yet tested in a way that would give us confidence in a simplified route to approval on all design matters. Likewise, the proposed 30-month window for plan-making could lead to poor decision-making. We do not support a new Permitted Development route for this.

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

Yes.

Using the NSIP regime would assist in the speed of decision-making – as the examination period would be fixed to six months – and would not, we think lead to a loss in design quality or environmental benefits. Provided that the development consent order (DCO) remains the overarching consent against which further details can be approved by the LPA, design quality should be maintained by attaching requirements to design criteria, or through attached documents setting out design approaches. Existing EIA processes should remain to assess and meet environmental criteria.

Community involvement remains vital. PA2008 requires consultation to be undertaken ahead of an application being submitted, and to be as successful as possible we would support additional democratic controls (e.g. over design codes) or other mandated processes (e.g. some formalised process of community co-design).

Given the land assembly and planning challenges of large residential sites, the potential also exists for a greater role to be played by locally-led Development Corporations, and we support recent reforms in this area. This can be particularly positive in helping realise whole-area green infrastructure networks, as in Ebbsfleet Garden City.

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

No. Not to the full extent described in the White Paper.

Many local authorities have already invested significantly in digital technology, and there are pockets of best practice. However there remains huge potential for both standardisation and central government investment in this, both for transparency and efficiency.

In particular, there are enormous benefits to greater data aggregation in monitoring, modelling and addressing nationwide land use issues such as climate change. We are strongly in favour of this. An increased open data approach with greater application of GIS will also aid transparency, though a role remains for analogue methods for wider consultation and engagement, given digital literacy remains uneven across different sectors and in community groups.

A limited use of digital information validation could be beneficial, where the information lends itself to a quantitative approach. We are not opposed to this in principle. However, we are sceptical that such a system could be delivered in the short to medium term – except in a few limited cases and would need to be carefully pilot tested prior to wider application. In practice, the development of these machine-readable information standards (including in the areas cited: heritage and flood risk) do not yet exist, and will take time to develop. The majority of areas will continue to require qualitative human judgement.

We support the proposal delegation of some planning decisions to officers where the principle of development has been established. We agree detailed technical matters for consideration should be principally a matter for professional judgement. There is an important role for professional accreditation here, and a role for a broader range of professionals than just Chartered Town Planners. Local planning authorities are currently under-resourced, including in landscape skills, and this will need to be considered in the upcoming resources and skills review.

We are opposed to the proposals related to application fee refunds as an LPA incentive, particularly for decisions overturned at appeal.¹⁰ We believe this would lead to poor decision-making and create further pressures on local authority planning budgets, at a time when the opposite is needed.

A decision overturned at appeal does not indicate that the original decision was clearly wrong, but simply that professionals have come to different professional judgements on the balance of issues concerned – particularly on matters where NPPF policy (rightly) leaves room for interpretation.¹¹ There is already a route for developers to apply for costs where LPA decisions are found to be unreasonable; this is sufficient.

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

Yes.

We support the ambition for Local Plans to be made simpler to understand and to be modernised in their presentation. In particular, it is right that Local Plans are as accessible as

¹⁰ Currently around 30% of decisions are overturned at appeal stage – which would represent a significant impact on LPA budgets. It is unclear what % is desirable: 0% would indicate no need for an appeals process. 30% suggests the system is operating broadly successfully.

¹¹ E.g. paragraph 170 (valued landscapes)

possible to all users – and ensuring they are fundamentally map-based and available online in a machine-readable format will enable this.

In increasing the adoption of a digital approach, provision should be made for public access to online mapping where private resources and access may be restricted. As above, many local authorities have already taken such an approach, and there are pockets of good practice. These tend to exist in better-resourced local authorities.

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

No.

Not alongside the other White Paper proposals.

Given the proposals set out elsewhere in the White Paper, as well as wider political/economic cycles, we are sceptical that a 30-month timescale would be achievable in practice – especially during any transition period. If plan-making is to entail the zoning of areas and the associated permissions described in Proposal 1, it would be difficult to resolve all the associated complexities (from contamination to biodiversity issues) for new sites within this window.

It is also unclear how the examination process at Stage 4 could meaningfully change the Local Plan, unless the timescales were reset at this stage.

The “best in class” consultation described at Stage 1 is positive, but not likely to meet the ambition described. Although there are examples of meaningful community engagement at such an early stage, and this can be improved by involving relevant professionals, in reality the majority of people do not engage in the planning process until there are proposals to critique. Good consultation at this stage is also dependent upon a range of skills which may not exist in every LPA. This is another issue that could be usefully explored in the resources and skills consultation.

3.13 (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes.

They should be retained. Not least because many communities have spent significant time and resources bringing forward Neighbourhood Plans in the past few years, and they have been – generally speaking – successful in their original aim.

We are unclear how the existing process for Neighbourhood Plans would interrelate with the newly proposed system, particularly in relation to the reduced timescales under Proposal 8, the loss of local DM policies under Proposal 2, and the community consultation element of design codes referenced under Pillar 2.

This will need consideration, in particular to avoid duplication and to ensure that communities get a meaningful involvement in the design of their local area. Nevertheless, we remain supportive of them as a mechanism, and agree they should be retained.

3.14 (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?

Just as the Government funded the introduction of the neighbourhood planning process, with advisory services to support new neighbourhood forums and parish councils, so it will be necessary to fund awareness raising and design training for plan-making groups. Proposal 11 below states: "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." We see neighbourhood planning as an effective means of achieving this ambition.

We would welcome some focus from MHCLG on the supply-side market for neighbourhood planning consultancy. Whilst there is some (out-of-date) guidance available for recruiting groups,¹² there is little guidance available for the consultants themselves. Working with the Professional Bodies such as the LI could help to raise standards in this area.

There are examples of good practice in community visioning and co-design, which have successfully involved the public in the very early stages of the process. This usually requires a skilled consultant to facilitate well, but it is a good way to engage at an early stage without creating conflicts on specific plans etc. Many of our members undertake this work. Landscape and visual amenity are often the components of an area about which local people have the strongest opinions.

Different communities will always have different levels of sophistication in terms of their ability to work with digital tools, national policy requirements, and design language. Some of the proposals contained elsewhere in these reforms would make some of these challenges more acute. Design policies in many neighbourhood plans may need to continue to be primarily in a written form, rather than illustrative or code-based, and room allowed for local place-specific policies rather than simply a selection of nationally standardised ones. A degree of flexibility should be accommodated.

More sharing of exemplar work would probably be helpful, in particular to encourage a higher level of ambition for some neighbourhood planning groups, where there can be a "regression towards the mean" in terms of overly conservative or pastiche design.

3.14 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.

Nationally, the rate of planning permissions has not been the driver of low rates of housebuilding. In this regard, the current system through the Housing Delivery Test penalises Local Planning Authorities for circumstances beyond their control. LPAs have no powers over build out rates – although there are pockets of best practice, where Councils have employed dedicated outreach teams or undertaken site-specific SPDs, such as in Kensington and Chelsea

¹² Ref: <https://neighbourhoodplanning.org/toolkits-and-guidance/commission-consultants-work-neighbourhood-plan/>

RBC. However, the majority of LPAs do not have the additional resources for such an approach.

We are broadly in favour of the proposals contained in the Letwin Review and would support their enactment.

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

Yes

The importance of good design cannot be overstated, and the White Paper's ambitions in this area are welcome.

Design codes are currently an infrequently used tool, and so a full evaluation of their success is difficult, however existing research suggests they have been broadly successful,¹³ and there are areas of current good practice. We support the ambition to make wider and better use of them.

Care would need to be taken to ensure that codes or pattern books are not so prescriptive that innovation is stifled, or that new development becomes a pastiche of few original designs. Design codes done poorly could create bland, repetitive communities without an individual sense of place, and design which ignores local landscape character. There are example of poor practice here, such as the inappropriate replication of the 1970's Essex Design Guide by LPAs with different local character.

Whilst it is vital to involve communities in this process, consensus can often be difficult to reach; particularly on matters of 'beauty', or when communities are opposed to the principle of development in the area from the outset. In these cases, the role of accredited design professionals is vital to facilitate, support and inform community participation.

As well as design codes, we would like to see wider adoption of design review panels. These should be delivered by appropriately-selected multidisciplinary panels, which generally should include a landscape professional. The existing Design Network should be refreshed and used more widely.

As above, proposal 9, we see the neighbourhood planning process as an effective means of achieving this ambition. Many neighbourhood plan groups have developed plan policies to address poorly designed forms of development and the use of 'standard' house types that could be 'anywhere'. In locations where no neighbourhood plan group or forum exists, it will be important to find different routes to engaging local communities in the design process, possibly via schools and colleges.

To be a success, greater attention will also need to be given to other *practical* barriers to good design. For instance, the White Paper describes tree-lined streets as an example of good

¹³ <https://webarchive.nationalarchives.gov.uk/20110118185833/http://www.cabe.org.uk/files/design-coding.pdf>
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7623/152675.pdf
<https://www.udg.org.uk/sites/default/files/publications/Design-Coding-Diffusion-of-Practice-in-England.pdf>

design which should be encouraged. In practice, the main barriers to delivering tree-lined streets are not about poor design policies, but are because of supposed site constraints or poor industry practice – such as real or imagined distance requirements between tree roots and utility lines, the reticence of local highway authorities to adopt tree-lined streets because of liability fears, poor soil management in construction, etc. These will need Government attention, if this ambition is to become a reality.

Design codes will only be as successful as the conditions/enforcement regime around them. At present, many development applications have little or no professional landscape design input. Those that do usually incorporate these only to a level of outline scheme design, by including drawings with limited information aimed primarily at achieving a planning consent (rather than something aspirational or truly multi-functional). These approved drawings can then in-turn be interpreted by contractors or sub-contractors to the lowest standards that meet with visual compliance. This failure may only become apparent after a few months, once poor or inappropriate planting has begun to die. In the absence of additional documentary detail that is essential for high-quality landscape delivery, there is no basis for the LPA to intervene to ensure good practice standards, and therefore what is realised on the site may not accord to the “good design” that was envisioned.

3.18 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

We support the creation of a new body (or network of bodies, if appropriately empowered) to advise on design coding and building better places. This could support Local Planning Authorities and neighbourhood plan groups without access to design expertise.

We also strongly support the proposal for each authority to have a Chief Officer for design and placemaking – however it is essential that this is not simply a rebranded officer role, and that multi-disciplinary professional design skills are taken seriously. It must be somebody with an appropriate professional design accreditation, for instance Chartered membership of the Landscape Institute, RTPI, or similar. They should be supported by an appropriately skilled team, and are not in themselves a replacement for sector-wide skills shortages.

It is vital that this role has an awareness of placemaking in-the-round, not simply the visual aesthetics of buildings. Knowledge of public realm, green infrastructure, space syntax, inclusive design, etc., is vital to ensure people-centred placemaking.

A wider strategy for local government skills is needed, beyond just planning departments, in areas such as parks and green space management. This is essential to meeting not only the ambitions of the Planning White Paper, but the Government’s broader ambitions too, not least the 25 Year Environment Plan.

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

Yes

The tender for this [has already been published](#), so we assume this is now out-of-date.

3.20 Do you agree with our proposals for implementing a fast-track for beauty?

No. Not in totality.

The very nature of fast-tracking development is likely to lead to poor design if there is not appropriate consideration by professionals at development management stage. Taking each proposal in turn:

Firstly, we support the intention to update the NPPF to make clear that schemes which comply with local design guides and codes have a positive advantage in receiving approval, assuming that other requirements for permission are met. Local design guides and codes should play an important part in shaping new development and this should be reflected in the NPPF.

Secondly, we support the intention to legislate to require that a masterplan and site-specific code are agreed as a condition of any permission granted at plan-making stage. We consider this a minimum pre-requisite for the proposals contained under Pillar 1. An increased use of masterplanning to create better outcomes for people is universally desirable, not just in Growth areas. The quality of masterplans can be variable, and again this is highly dependent upon access to skills. Masterplans with statutory weight in decision-making should only be undertaken by appropriately design-qualified professionals.

Thirdly, we do not support the creation of a new national Permitted Development Right for the uses described. Whilst we do support the ambition to encourage the gentle intensification of urban areas, in line with agreed design codes, the evidence on permitted development to date¹⁴ does not suggest that well-designed homes would arise from this. Likewise, the complexity of most urban infill sites (in a development sense and in an aesthetic sense) would make the practical delivery of a pattern book approach difficult, and would probably not be “fast-track”. It could also limit innovations such as living walls and green roofs, unless these were stipulated in codes and guides.

We support the adoption of local pattern book approaches where they work for local communities, and of quicker/more certain route to permission through SPDs etc., however we do not believe should be mandated at a national level through PD rights.

3.21 (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.

We support the expectation that developers contribute a proportion of their gross development value to fund the infrastructure that the community needs. Current Community Infrastructure (CIL) receipts represent only a fraction of the investment needed to provide and

¹⁴ Ref:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

maintain community infrastructure, including green infrastructure, and the new system should seek to address this as the top priority.

Simplifying the process for developer contributions could reduce some of the uncertainty and cost in the system – however the level of available funding will be the most critical issue, and it is vital that leads to an increase of funds available for community infrastructure, rather than less. In areas of high viability, a flat fee will inevitably lead to developers effectively underpaying for crucial infrastructure. The converse is true for low viability areas, and this could impede much-needed development.

There is likewise a risk that the flat-rate levy would get swallowed up providing affordable housing provision, and back-funding other Council services which are under-resourced. Fundamentally, the purpose of the infrastructure levy must remain to support the provision of vital community infrastructure, including open space, GI, sustainable drainage, etc.

Section 106 negotiations at present can cover a broader range of matters than simple fee payments (e.g. in-kind support, land transfers) and we believe there is still an important role for this, which cannot be achieved through planning conditions alone.

3.22 (b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Set locally

3.22 (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

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

Yes

Where the market can support this.

3.23 Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes.

We support this. This would increase levy receipts and ensure that agricultural buildings- and office-to-residential use class changes can contribute to the infrastructure needed for sustainable thriving places.

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

Yes

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

No.

There is a risk that the flat-rate levy would get swallowed up providing affordable housing provision, and back-funding other Council services which are under-resourced. Fundamentally, the purpose of the infrastructure levy must remain to support the provision of vital community infrastructure.

It is vital the levy can be used not only to provide capital investment into new green infrastructure, but also provide provision for its ongoing maintenance. This is vital for climate change and biodiversity. GI can often be low on the list of CIL priorities, and fewer restrictions for LPAs could make that worse.