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Submission to the Ministry of Housing Communities and Local Government on:
Planning for the Future White Paper - October 2020

the Edge is a voluntary built and natural environment think tank and network. It is multi-disciplinary in a landscape remarkable for its abundance of single-discipline institutions. We stand for being:

1. **Interdisciplinary**: bringing built environmental professionals together, inclusively along with others who share their concerns.
2. **Open and creative**: working across all disciplines with competitors and collaborators.
3. **Strategic in approach**: encouraging accessible and shared knowledge and seeking to connect place, practice, policy and research.
4. **Visionary**: in identifying the issues and in promoting effective and urgent responses to both local and global challenges.
5. **Professional**: developing a broad-based ethic of responsibility to social and environmental demands based on an equitable global framework.
6. **Business-like:** furthering the skills and capacity of the UK construction industry to promote prosperity and deliver a better built environment.

Outline response:

1. The Edge considers that the following are givens in connection with any reforms to the planning system in England:
   - It is essential and should be incumbent on all parties to protect and enhance biodiversity & the natural environment
   - There is effectively a legal requirement to achieve a net-zero carbon built environment by 2050
   - The technical approaches that work to deliver a low energy built environment are already known and implementable
   - A collaborative (joined-up) approach is needed between all sectors to achieve effective results

2. As a result the Edge believes that:
   - The climate and biodiversity emergency needs to be the overriding focus of any proposals for changing the planning system.
   - Any changes must be closely co-ordinated with more ambitious and well-enforced building regulations and infrastructure delivery.
   - Actions to deliver both mitigation of and adaptation to global heating are essential

3. Any proposal for overhauling the current planning system should pass a series of tests, including:
   - Resource efficiency (land & resources)
   - Integration of planning & building control
   - Good and clearer guidance
   - Putting nature and sustainable design first Performance - clear and verifiable GHG reductions & use of energy
   - Learning from experience

4. Retention and re-use of existing buildings and fabric should be the default position with demolition only justifiable on the basis of sequential tests involving:
   - Overall (whole life) energy/carbon savings
   - net bio-diversity gain
   - social benefit

5. Planning proposals should pass a Sustainable Development Test involving:
   - Connectivity: access to public transport and amenities
   - Decarbonisation: inc. EV charging infrastructure
   - Resource infrastructure: water, energy
   - Ecology/Land Quality Priority Assessment
   - Potable water management
   - Renewable energy infrastructure
   - Resilience

6. New developments/codes should deliver:
   - a 75-80% reduction in CO_2 emissions by 2025
   - net-zero CO_2 readiness by 2030
   - verified out-turn performance on emissions
   - bio-diversity net gain
   - solutions that avoid risks of overheating and flood-risk.

7. Design Codes:
   - Many technical issues can be pre-codified, e.g.
     - Daylight
     - Avoiding overheating
     - Energy
     - Wind (safety & comfort)
     - Light pollution
     - Acoustics
   - There are many inappropriate/outdated requirements which should be removed
   - There is a need for pathfinder Local Authorities to innovate and drive requirements
   - Location-specific codes should be developed for growth areas, based on the national code
   - It's not worth wasting time on generic regional codes
   - Producing effective and usable coding is a highly skilled activity and takes time and adequate resources and required to make it work.

8. Working with codes:
   - Design codes can demand increase standards for dealing with climate change (e.g. Eddington/NW Cambridge)
   - Codes should be co-ordinated with wider vision for a development and its context
   - Codes need to balance prescription and flexibility

8 Working with codes – continued:

- We are concerned about:
  - Who, in practice, will produce the new design codes?
  - Who, in practice, will manage the community engagement?
  - What are the skills, time and resources required
  - How will the skills, time and resources required be afforded
  - What is the life span of a design code
  - Will the codes be ambitious enough?
  - Will codes be monitored during delivery & beyond completion
- It is well recognised that poor schemes can still accord with a code
- Codes must balance short-term vs. long-term requirements
- Codes must address; net-zero carbon, overheating and built environment performance

9. Design codes - objectives

- Codes should be:
  - Location specific
  - Design tools
  - Flexible (site by site)
  - Tangible (real places)
  - Gradual (as sites come forward)
  - Verifiable;
- ... & should mainly deal with:
  - Land use
  - Movement
  - Street types
  - Build form
  - Rainwater management
  - Public realm, open space and tree cover;
- Design coding should primarily deal with sustainable urban design issues.
- ... and should stop short of defining architectural style.

10. Planning system performance:

- The Edge has significant doubts that deregulation will allow for improvements in design quality?
- There is a need to move to smart regulation & (high) standards that work
- The current system is too slow
- Better guidance and digital planning systems are required
- More resources that front load the system are essential for a good, effective and respected planning system
- Achieving public engagement at strategic planning stage is difficult and time plus resource consuming
- A single sustainable development test needs to be simple, accessible & work!

11. Planning: verification & enforcement:
   - Completed projects must be audited for compliance with planning requirements
   - A significant proportion of major developments to be subject to in-depth research studies.
   - Rapid and robust enforcement processes to be in place
   - Both audit and enforcement processes must be adequately and permanently funded.

12. Land Use framework:
   - Digitised planning is a highly promising approach but it must include a complete and multi-layered approach, incorporating all of what we already know from physical, social & economic data
   - Information must be open source
   - Systems for mapping need to work together
   - Any framework must be:
     - designed to facilitate an evidence-based approach
     - bio-diversity critical – need to manage natural capital as complete eco-systems
     - fine-grained and able to enable a local approach
     - able to deliver a cross-authority strategic management & systems approach
     - designed to achieve proactive strategic planning.

13. Highways:
   - There is no mention of traffic de-carbonisation in the Planning White Paper (It's as if PPG13 never existed).
   - Design codes need to address the issue of new developments being over dependent or predicated on car use
   - There is a great deal about streets in the White Paper but very little about the role of highways authorities
     - Will highways authorities be engaged?
     - Will they be willing to be engaged?
   - Highways requirements have succeeded in messing up a lot of codes in the past. It is essential that highways planning is factored in, with support from:
     - The new revisions to the Manual for Streets
     - Active Travel England
   - Engagement of highways with street tree planting and utilities is vital if the streets in new developments are to be lined with trees.

14. Local Authorities:
   - should be freed up to allow focus on local issues
   - need a system that pulls everything together relating to individual place
   - require a 3-D planning information system
   - need adequate resources and skills to:
     - improve and monitor development quality;
     - respond to the climate and biodiversity emergency; and
     - allow existing systems to continue during transition while preparing new local plans.

15. A clear policy trajectory is required, delivering and providing for:

- Reductions in energy use (annual & peak)
- CO_2 reductions sooner rather than later
- A consistent, step-by-step transition from fossil fuels to renewables
- Local leadership (wherever viable)
- Help to the wider market
- Continuous improvement

Questions:

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

As it is: Time-intensive, variable (in quality) and safe

As we would like it to be: Considered, fair and imaginative

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

a) No

b) Other - This is not the role of the Edge as a voluntary body.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?
[Social media / Online news / Newspaper / By post / Other – please specify]

The Edge as a built environment think tank does not need to access plans but we would consider that all reasonable means would be appropriate and for consultations of Local Plans that all reasonable means should be used to inform stakeholders that this is their one chance to input and comment.

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]

the Edge believes that there are a number of priorities, but one overriding one:

- The climate and biodiversity emergency needs to be the overriding focus of any planning system going forward, following through on the legal obligation to achieve a net-zero carbon emissions economy by 2050 and delivering a clear requirement to adapt buildings and environments to deal with global heating.
- Retention and re-use of existing buildings and fabric should be the default position with demolition only justifiable on the basis of rigorous sequential tests

- An adequate delivery of new homes which are; affordable, accessible, inclusive and predominantly located in towns and cities within walking distance of amenities and employment

- Protection, enhancement and restoration of the natural environment including new trees, parks, waterways and green corridors

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

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

No. The environment is rich in difference and particular in detail. Local plans need to reflect this. This should be achievable through digitised land use framework including multi-layered approach, incorporating all relevant physical, social & economic data

We broadly agree the primary role and function of local plans should be "*first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas*". However, we have a number of important reservations:

We consider the classification of zones into growth / renewal / protection to be too broad brush and does not adequately consider the needs of a wide range of stakeholders and issues including:

- Future generations
- Future change and adaptability
- Existing neighbours and communities
- Local amenity provision
- Mix, inclusion and diversity
- The natural environment
- Ecological value
- Heritage and cultural value
- Infrastructure provision
- Life-cycle carbon
- Overshadowing
- Airflow
- Acoustics
- Dispute resolution
- Democratic decision 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?
[Yes / No / Not sure. Please provide supporting statement.]

While we support the use of a National Planning Policy Framework (NPPF) to deliver fairness across the planning system we believe that the current framework fails to deliver on a number of issues.

The NPPF needs to be configured to deliver the **25 Year Environment Plan** (25 YEP) and requirements of the **Climate Change Act**. At present it does not adequately supporting and promoting low energy design, sustainable development and other UK government commitments including:

- The UN Sustainable Development Goals
- Health and wellbeing and, in the context of planning, the contribution of the built and natural environments to this
- Green infrastructure (including trees).
- Housing quality and sustainability

Planning policy and monitoring of outcomes is key to the delivery of a high quality built environment and it should be given equal importance to plan and decision-making.

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

Not sure.

Such an assessment is only needed in the absence of a well and properly resourced planning system capable of making nuanced judgements and proactively planning for the future on a detailed basis.

Other doubts reflect that:

- No information is available on what the test might involve.

- The desired speed of decisions may be at odds with their quality

- A single test that encompasses all locations and eventualities appears to represent a foolhardy ambition. The world is more diverse and interesting than this would allow for

- A single test now is unlikely to provide sufficiently adaptable into the future

- A single test will be exceptionally vulnerable to Black Swan events

In response to the statement "*Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period*": we recommend the following additions and strengthening:

- Plans must include energy and green infrastructure.

- Growth areas, and particularly land allocated to housing, must take account of public transport infrastructure

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

We support the existing Duty to Cooperate and do not believe that removing the Duty is justified.

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

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

No response

8 (b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

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

No response

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

No – planning while it should be liberal should not allow for a free for all. There are too many bad examples worldwide of an unrestricted planning policy causing havoc and deeply undesirable results to allow this proposal to be supported

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?
[Yes / No / Not sure. Please provide supporting statement.]

Not sure. Detail is again inadequate to make a judgement

Protected areas, as complex cases will require case-by-case consideration and this requires further exploration.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
[Yes / No / Not sure. Please provide supporting statement.]

Not sure. Possibly – the devil is in the detail.

10. Do you agree with our proposals to make decision-making faster and more certain?
[Yes / No / Not sure. Please provide supporting statement.]

Yes, but this should be delivered by providing good quality and reliable pre-application processes, applying clear dates for decisions and removing the over-reliance on post-consent conditions.

11. Do you agree with our proposals for accessible, web-based Local Plans?
[Yes / No / Not sure. Please provide supporting statement.]

Yes

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?
[Yes / No / Not sure. Please provide supporting statement.]

No – The lack of resources for delivering this means that too many Local Plans will be badly considered and poor quality

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?
[Yes / No / Not sure. Please provide supporting statement.]

Yes.

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?

Neighbourhood plans must allow communities to set other objectives than appearance and character; in particular, sustainability standards, subject to appropriate viability tests.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?
[Yes / No / Not sure. Please provide supporting statement.]

Yes.

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]

No response

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]

We appreciate this ambition, but do not see how it plays out in practice. All the above and far more will be necessary to achieve the sustainability necessary.

17. Do you agree with our proposals for improving the production and use of design guides and codes?
[Yes / No / Not sure. Please provide supporting statement.]

Yes - with caveats.

Design codes need skilful design and application. They are not a panacea for all ills and it is quite possible to generate poor neighbourhoods even with a good code.

- Codes should be:
    - Location specific
    - Design tools
    - Flexible (site by site)
    - Tangible (real places)
    - Gradual (as sites come forward)
    - Verifiable;
- ... & should mainly deal with:
    - Land use
    - Movement
    - Street types
    - Build form
    - Rainwater management
    - Public realm, open space and tree cover;
- Design coding should primarily deal with sustainable urban design issues.
- ... and should stop short of defining architectural style.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?
[Yes / No / Not sure. Please provide supporting statement.]

Yes. Such a body should draw on a range of disciplines and expertise. It needs to beware of 'capture' by a single lobby – such organisations are prone to group think and a lack of diverse views

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
[Yes / No / Not sure. Please provide supporting statement.]

Yes – but only if design is considered as a fully rounded proposition and is not just aesthetic design. More detail on this is required.

20. Do you agree with our proposals for implementing a fast-track for beauty?
[Yes / No / Not sure. Please provide supporting statement.]

No. If there is such a fast track process, it should be available for developments which deliver on pre-determined social goals, low energy and sustainability, including net zero carbon developments and exemplar low-carbon adaptations and retrofits of existing buildings.

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]

No response

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.]

No, but any new system must:

- be transparent and simple for all to understand.

- take into account community infrastructure needs such as provision of blue and green infrastructure (including green space and trees) including their maintenance.

- balance funds across the country to ensure that areas where development values are low are not detrimentally affected.

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]

No response

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

No response

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

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

No response

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

Yes. Permitted development is already subject to CIL, and any future approach should continue to capture developer contributions from all forms of development.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?
[Yes / No / Not sure. Please provide supporting statement.]

Not sure - we support greater investment in affordable housing and infrastructure, but doubt that the proposed Infrastructure Levy would be able to achieve this objective.

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24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

No response

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?
[Yes / No / Not sure. Please provide supporting statement.]

No response

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

No response

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

No response

25(a). If yes, should an affordable housing 'ring-fence' be developed?
[Yes / No / Not sure. Please provide supporting statement.]

No response

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

The proposals set out in the White Paper could have significant impacts on groups with protected characteristics. Planning reforms should be accompanied by an assessment of impact on different communities with protected characteristics, with strategies that influence policy and legislation. The Edge believes that more diversity is needed in planning, to reflect the communities it serves.

the Edge, October 2020