

ICOMOS-UK RESPONSE TO THE WHITE PAPER – PLANNING FOR THE FUTURE

Please find below our response to this Consultation.

1. Overview

We would like to offer comments on some aspect of the White Paper, in relation to World Heritage Sites (WHSs) and other protected areas.

We regret that a detailed response for certain aspects is not currently possible on the basis of information so far set out, particularly in relation to the proposed changes to the National Policy Planning Framework (NPPF), which have not yet been put out for consultation.

Whilst we support the principle of reforming the planning system, we are concerned that the proposals lack sufficient detail to allow informed comment on the full range of changes proposed. Further, the proposals appear to diminish the role of consultation in the planning process and particularly the role of local communities.

We are also disappointed that the White Paper does not formally propose any statutory protection for World Heritage Sites inscribed on the UNESCO's World Heritage List, the highest international heritage designation attainable.

2. Summary

i) We support in principle the following aspects of the new proposals, subject to clarifying statements :

The intention to:

- **Designate Protected Land as one of three categories**
subject to more clarification on the size of such designated areas, precisely what the category covers and what is being protected;
- **Allow development proposals in protected areas to come forward as now through planning applications being made to the local authority and judged against policies set out in the NPPF**
subject to clarification on how the NPPF will be amended and what weight will be given to local plans;

- **Give Local Plans a more focused role in identifying site- and area-specific requirements, alongside locally produced design codes**
subject to how these relate to national policies and what weight they will have;
- **Recognise beauty and place-making as criteria to be considered for new development and for both to be seen as having the potential to create net gain**
subject to more clarification on how such beauty might be encouraged, and not linked to approved standard designs;
- **Ensure that standard method of allocating house building targets would factor in the need to protect National Parks and other protected areas**
subject to more details on what factors would be considered in NPs and other protected areas;
- **Acknowledge the need for a comprehensive resources and skills strategy for the planning sector; and for each authority to have a chief officer for design and place-making**
subject to clearer parameters for both.

ii) In our view, the following aspects require further detailed information/consultation:

We consider that for some proposals more detailed information is needed before it is possible to understand precisely how the new proposals might be delivered and thus what their impacts might be – both positive and negative. These aspects are:

- Revisions to the NPPF and how a hierarchy of policies can be put in place;
- Definition and scope of Protected Areas;
- Clarification of how beauty will be encouraged;
- Clarity on which aspects of housing policies will be set nationally;
- The scope and responsibilities of the planning sector;
- The apparent diminution of consultation processes.

In the following sections we highlight these specific aspects.

3. Revision of the NPPF and how a hierarchy of policies can be put in place;

Many of the proposals in the White Paper are predicated on the idea that the NPPF would set out national policy and that this would not be duplicated in local policies. As it is indicated that the NPPF is to be revised, one half of the proposed new structure is yet to be defined. How the NPPF is amended, could have a crucial impact on how the proposals in the White Paper might be delivered.

In our view, a full understanding of how many of the proposals set out in the White Paper will be implemented, and the effects they might have, cannot be fully assessed until the proposals for the revision to the NPPF have been set out and consulted upon.

While we support the idea that local policies should not duplicate national policies, nevertheless it needs to be clearer how they relate to each other and what weight is given to local policies. Local policies should not be over-ridden by national policies.

There should be a hierarchy of policies from the national to the local with each reinforcing the other. Currently this does not exist and it is not clear from the White Paper whether and how such a hierarchy will be established through amendments to the NPPF.

Although the text states: ‘Local Plans should set clear rules rather than general policies for development. We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site- and area-specific requirements, alongside locally produced design codes’, this does not make clear precisely what structure would link national and local plans and policies – as well as guidelines and allocations which are considered separately below.

If some delegation of planning responsibilities to the local level is to be made, and if a more streamlined approach is to be successful, in our view it will be essential to define the integrated national/structure within which these changes will operate, what is to be constrained nationally and what locally, and ultimately where responsibilities lie.

Without these details, it remains unclear as to how, and at what level, responsibilities for protecting Protected Areas will be delivered and who would be ultimately responsible for ensuring that their values are respected. All that is currently indicated is that certain ‘factors’ will be taken into account and that existing planning policies will be followed ‘judged against policies set out in the National Planning Policy Framework’, but if the NPPF is to be revised, there is no clarity on what planning policies would prevail.

4. Definition and Scope of Protected Areas

We would welcome the intention to define certain areas as Protected Areas under planning law. This could deliver a clarity for some types of protected areas that is currently lacking. But the White Paper is unclear as to whether that is what is intended. And no clear definition is provided of which body would designate such Protected Areas nor precisely what these areas would encompass.

First, in terms of who designates these areas, the White Paper states that Local Plans should identify these three types of land. If these areas are only to be set out in Local Plans, it remains quite unclear what status such areas would have.

We consider that if Protected Areas are to be those which have a separate planning structures, it is essential that these are defined at a national level rather than through Local Plans.

Further it needs to be clear that such Protected Areas do not necessarily exclude all development. Development ~~and~~ could be allowed if it does not impact adversely on the values for which the areas have been given their protected status.

Clarity is also needed on precisely which currently protected areas will be defined as Protected Areas.

The definition of which areas might be considered to be Protected Areas in the White Paper is vague; although it is implied that this will cover areas with a protected status, this is not confirmed and some sites are listed that do not currently have protected status.

It is stated that Protected Areas

‘would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions defined in the National Planning Policy Framework’.

First it is clear that not all these areas are currently protected, and secondly there are protected sites that are excluded such as in particular WHSs, which are protected through international obligations, and wildlife sites that have national or European designations.

One further omission from these definitions is any mention of setting. For WHSs there is an obligation to protect their immediate setting as support for their value, and in the case of conservation areas and listed buildings, setting is seen to contribute to their value. Protected Areas need to encompass these settings.

We consider that there needs to be a clear definition of Protected Areas and that these areas must include all sites that have national protection as well as those for which there are international obligations, such as WHSs, together with settings that need to be protected.

5. Clarification of how beauty will be encouraged

We welcome the inclusion of the idea of beauty into the White Paper which states the need for ‘new development to be beautiful, and to create a ‘net gain’ not just ‘no net harm’, with a greater focus on ‘placemaking’ and ‘the creation of beautiful places’ within the National Planning Policy Framework’.

Beauty is, though, difficult to define but nevertheless a concept that almost everyone can understand. In relation to buildings, it might be said to be related to the ability of a building to give pleasure and for the way it belongs to its surroundings. We support the explanation (not quite a definition) provided in the January 2020 report of the Building Better, Building Beautiful Commission:

‘Beauty includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home. It is not merely a visual characteristic, but is revealed in the deep harmony between a place and those who settle there. So understood, beauty should be an essential condition for planning permission’. But this does beg the question as to who arbitrates on what is beautiful and how we promote the building of beautiful buildings and places.

We consider that it is essential that a set of ‘pre-conditions’ for beauty are developed that new development should meet, and that these should be developed locally. So, while the NPPF could recognise the need for beauty in development, how it is delivered locally should be devised locally. Such local pre-conditions would need to include design, materials, context, as well as local consultation, and should be supported by local design codes.

Beautiful buildings cannot be mass-produced and we are concerned at the idea of standard designs being promoted for some types of houses (the example of semi-detached houses is quoted in the text) that could, it appears, be used anywhere. This is the opposite of beauty which has a certain specificity, and contrary to place-making that also reflects locality.

We do not agree with the idea of fast-track for beauty as currently set out. The text suggests that such a fast-track process would be applied to development that complies with local design guides and codes. In our view response to local design codes alone may or may not produce beautiful buildings as designs could be copied and development could quickly become generic. We refer back to our comments above that a series of pre-conditions for beauty need to be devised.

6. Clarity on which aspects of housing policies will be set nationally

The White Paper proposes a standard method of setting targets for the building of houses based on a six point methodology that ‘factors in’ constraints such as National Parks where it is acknowledged that the ‘whole purpose of National Parks would be undermined by multiple large scale housing developments’. This methodology would be used locally to define appropriate areas for development.

We consider that for all protected areas what needs to be factored in is the need to protect the values for which they were protected.

We also consider that there needs to be recognition that housing requirements in certain areas where house prices are high, such as National Parks, and where large scale development is not possible, cannot readily be met by the market. Only very small scale developments might be possible and these could be too expensive for local occupancy unless some sort of subsidies are made available. As such subsidies are not readily available locally, national policy needs to designate areas where market forces cannot satisfy demand and where innovative ways are needed to deliver local housing.

7. The scope and responsibilities of the planning sector

We acknowledge the need for a comprehensive resources and skills strategy for the planning sector; and for each authority to have a chief officer for design and place-making.

Both of these need to be based on a detailed assessment of the needs of the planning sector which in turn should reflect an analysis of what the sector should deliver. The White Paper aims to simplify the planning process but at the same time to deliver, better buildings, foster beauty and encourage sustainability. All of this opens the doors for a more pro-active role for planning at the local level under the heading of design and place-making.

If the proposed changes are to be effective they will require more consultation, more expert advice on materials, more negotiation on long-term maintenance, the development of design guides, etc. and all of this advice will extend beyond buildings to the public realm and settings of the development.

In our view, this must ~~is~~ not be the opportunity to reduce the resources of authorities but rather to re-frame what and how they are required to deliver and to strengthen their roles and to ensure they do have the capacity, not least in staffing levels and skills, to fulfil these roles.

8. The apparent diminution of consultation processes

Particularly in WHSs and other protected areas, the role of local communities is crucial: often collectively they provide enormous support for a shared endeavour. In many of these areas, beauty might be plentiful, but prosperity is not necessarily so, especially for locals. If Protected Areas are to be designated with a stronger planning system than elsewhere – which in our view is justified by their protected status – it is hard to see how this will be seen as beneficial to local communities unless this process can be linked to specific benefits for locals, such as innovative approaches to providing affordable housing.

We consider that unless the protection of Protected Areas produces benefits for locals then the idea of them contributing to the production of design guides, and to the overall concept of place-making and beauty, will not be feasible.

As one of the main planks of the White Paper is to deliver more housing to where it is needed, then the provision of affordable housing must be an integral part of the system.

22nd October 2020