



AMS

Defending Historic Buildings

Patron: HIS ROYAL HIGHNESS THE PRINCE OF WALES, KG KT

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Planning for the Future – White Paper

AMS Consultation Response

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1. BACKGROUND AND SCOPE

The AMS is one of the National Amenity Societies and, as such, has a formal role in the planning system. The Society advises local authorities on Listed Building Consent applications and responds to consultations within a set time-frame. The Society also takes an interest in broader planning and heritage matters, such as local distinctiveness, undesignated heritage and place-making. The Society was founded in 1924 and has fought many successful campaigns to save and champion historic buildings and areas.

The Government's commitment to delivering 300,000 new homes a year by the mid-2020s has been described as the driving force behind the **Planning for the Future** White Paper. While the delivery of new housing is of course important, applications for new housing development represents a relatively small proportion of the total number of planning applications local authorities deal with over the course of a year. According to MHCLG statistics, of the 358,000 planning applications granted in 2018/19, 7,709 were for major residential developments and 54,706 for minor residential developments. That is despite permission being given for 371,000 homes in 2019 (according to the contractor Glenigan).¹

This means that not only is a majority of development non-residential, much residential development happens on a small scale. The current planning system is described in the Foreword to the White Paper as “outdated and ineffective” and it is stated that the “once in a generation reforms” put forward will “lay the foundations for a brighter future.” While we agree that there are areas of the planning process which could and should be improved, we are concerned that there is a high risk of ‘throwing away the baby with the bath water’ in a system which has delivered high-quality development over the decades and

¹ Figures quoted in House of Commons Briefing Paper: [Planning for the Future: planning policy changes in England in 2020 and future reforms.](#)

has largely been successful in preserving the character of our local areas. Measures which may seem appropriate for large-scale, high-value residential development may not be effective for everyday, more modest applications, which represent the vast majority of planning permissions.

Of the 6,000 or so Listed Building Consent applications the AMS examines each year, only a relatively small proportion is for residential development and, of that, a vast majority is for alterations to existing buildings, rather than for new residential development.

The scope of the AMS's direct involvement in the Planning White Paper's areas of reform is therefore limited. However, the Society is mindful of the impact which previous 'revolutions' in the history of planning have had on the overall character of England's urban, suburban and rural areas: for instance the age of the over-zealous highway designer in the 1960s, the jerry-built social housing of the 1970s and the blandly-designed sprawling commercial development of the 1980s. For this reason, we feel it is important to urge caution, so that the errors of the past are not repeated.

The Society deals with applications in both England and Wales, but notes that the Planning White Paper concerns the reform of the planning system in England only.

2. REFORM OF THE PLANNING SYSTEM

At the heart of the White Paper is the proposal to replace the planning process with a rules-based system. Beyond the immediate need to expedite housing development there is a desire to 'cut red tape' and simplify an 'overly bureaucratic' process. In essence, the White Paper represents a fundamental reform of the English planning system. Uniquely, the current system is discretionary, allowing for major decisions to be made at the application stage, with broad consultation and a rigorous process of negotiation.

A key concept of the White Paper is that it aspires to move towards a more zonal approach, introducing three land categories within Local Plans: *Growth*, *Renewal* and *Protected* areas. In effect this means a 'frontloading' of the system, with a new focus on the plan-making stage, which is to be simplified. "Specific development standards" will be introduced and national and local design guidelines developed. In *Growth* and *Renewal* areas, "development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and / or density limits for land" (p30).

It is hard to imagine how small-scale developments would in practice be controlled through a blanket set of rules, which might be appropriate and effective for larger sites, but would be hard to apply on a more modest scale. Each local area is made up of a multitude of character areas and it is hard to see how these could be fully chartered and defined at the plan-making stage.

We are also concerned that the White Paper restates the commitment to new permitted development rights to enable the construction of homes above existing buildings (upwards extension) and the demolition of and rebuild of vacant buildings for housing, without the need for usual planning permission. The heritage sector has for some time made strong arguments against these measures.

3. DECISION-MAKING

The White Paper contains some very ambitious proposals for improved decision-making. There is scope for the modernisation of the planning process and for the introduction of new technologies and local data. On the other hand, the idea that what is deprecatingly described as the "shackles of current burdensome assessments and negotiations" (p25) will be removed is alarming. Under the current system

the Planning Officer has a quasi-judicial role and represents the public interest. It is often by process of negotiation that high-quality developments are delivered.

The current system allows for expert advice and public involvement at the planning application stage. Individual cases are considered on their merits and involve individual professional judgement and skills on the part of the Planning / Conservation Officer, skill both in the assessment of the interest of the application site and in negotiating with owners and the public at large. This is particularly relevant when dealing with historic buildings and areas, which might be complex and fine-grained. Importantly, the overwhelming majority of cases are completed within the statutory or agreed time-frame.

While an increased focus on the pre-application stage would be very positive, the AMS has concerns about the democratic deficit which removing the development management process altogether would represent. We share the RTPI and other consultees' concerns about this aspect of the proposals.

We also believe that Planning Committees have an important role to play: they are the embodiment of democratic decision-making and while they do not always follow officer recommendations, they offer a plurality of views which would otherwise be absent.

4. COMMUNITY INVOLVEMENT

A core ambition of the White Paper is to “democratise the planning process by putting a new emphasis at the plan-making stage” (p20). The AMS is concerned that frontloading the system may mean that communities are disenfranchised from meaningful decision-making. It is very difficult to comment on something which is presented at an early stage as an abstract concept – we know this already with outline proposals.

Also, while the aspiration to involve communities at the plan-making stage is a positive one, it is not very clear from the document how this would be achieved, beyond a greater use of technology.

We welcome the statement contained in the White Paper that in *Protected* areas: “we will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved” (p25). This is a policy area we would be happy to explore and advise on, in our role as consultees.

5. DIGITAL

We welcome the proposed increased use of digital resources, however how this will be achieved still seems very sketchy at the moment. For instance, we are unsure as to what “development management policies and code requirements written in a machine-readable format” (p38) would consist of.

Digital technologies, such as 3D imaging and virtual reality, may be a useful way of assessing the impact of large-scale housing developments, especially in urban areas, but may be of limited benefit with smaller-scale developments. The technology may also be unaffordable for smaller developers and individual owners.

The White Paper states that: “By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled, making it easier for people to understand what is being proposed and how it will affect them” (p38). While we agree that digital engagement is positive and that involving younger people will be beneficial, this should not be to the detriment of older communities.

6. HERITAGE PROTECTION

We welcome the Government's commitment to maintaining existing levels of heritage protection and the statement contained within the White Paper that: "The reformed planning system will continue to protect the places and environmental and cultural value which matter to us" (p56).

We also welcome the statement that: "The additional statutory protections of listed building consent and conservation area consent have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system" (p58).

Protected areas

At the moment there is very little detail in the White Paper about how the new planning system would operate, however we understand that in *Protected* areas, proposals would come forward as now through planning applications being made to the local authority and judged against policies set out in the National Planning Policy Framework (p35). In practical terms, this means maintaining the existing Listed Building Consent process and conservation area controls, which have been successful in protecting the best of the nation's heritage.

We are concerned about historic buildings, groups of buildings or neighbourhoods which are not situated in protected areas. With a general presumption in favour of development in *Renewal* areas, how will these assets and their settings be protected?

Densification in renewal areas

Similarly, with brownfield development, how will 'brownfield' be defined and what mechanisms will there be to ensure that the historic character of these areas is assessed and, if justifiable, maintained and enhanced? How will that character be recognised and by whom?

Listed buildings

It is not yet clear whether there will be any protection for the setting of listed buildings in *Growth* and *Renewal* areas. Will site or area-specific height, scale and density requirements be enough? How will "important views" (p57) be identified? There are still many unanswered questions, which will have to be addressed at the next stage of the reforms' development.

Conservation areas

We welcome the fact that *Protected* areas will 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" (p29) and that this includes Conservation Areas.

The White Paper states that: "Some areas would be defined nationally, others locally on the basis of national policy", but that "all would be annotated in Local Plan maps" (p27). We wonder how this process of identification will be managed and how it will be carried out. Such an exercise will require specialist skills and expertise. It is unclear at this stage how this will be resourced.

Local listing

We very much welcome the Government's commitment to local listing and the recent appointment of Charles O'Brien to lead a new programme of designation, which we hope will prove to be a good way of involving communities in local heritage matters.

The National Amenity Societies and others in the sector believe that local listing would be more effective if it offered statutory protection. This is something we will continue to advocate for.

Non-designated heritage assets

We defer to our colleagues in the sector who concern themselves primarily with archaeology (notably the Council for British Archaeology, CIfA and ALGAO) on the full implications of the White Paper for below- and above- ground archaeological remains.

The AMS is particularly concerned about what will happen to undesignated heritage, especially outside of *Protected* areas. Public attitudes towards what is historically and architecturally significant change over time (as, for instance in recent years with industrial, post-war and military sites) and there must be sufficient flexibility in the system to reflect these changes. In some cases, this will lead to new designations. In addition, there is what might be described as ‘humble heritage’, everyday buildings, townscapes and landscapes which contribute to the local distinctiveness of an area and are often cherished by communities.

7. LOCAL AUTHORITY RESOURCES AND SKILLS

Resourcing

We welcome the proposal for the planning system to be funded principally by beneficiaries of planning gain - landowners and developers. We also welcome the statement that MHCLG “will also bring proposals later this year for improving the resourcing of planning departments more broadly to support the implementation of the Planning White Paper”. (p49)

It is reassuring that the document acknowledges the problem of resourcing within local authorities: “We recognise that planning departments need to have the right people with the right skills, as well as necessary resources, to implement these reforms successfully” and, further: “We know that local planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.”(p70).

Skills

We also welcome the proposal to “develop a comprehensive resources and skills strategy for the planning sector to support the implementation of [the Planning White Paper] reforms”. (p71). It will be particularly important to ensure that local authority staff have design skills and we would support the strengthening of combined design and conservation teams.

However the AMS does not support the use of accredited agents to handle Listed Building Consent applications. (see below).

8. TECHNICAL EXPERTISE

The White Paper proposes to “streamline the opportunity for consultation at the planning application stage” (p20). While this may be appropriate for some forms of development, it would not be consistent with the Government’s commitment to maintaining existing levels of protection for heritage consents.

The AMS is also very alarmed at the White Paper’s stated intention to explore “better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and

enhancing the most important historic buildings” (p58). The principle continues to be problematic and represents a threat to unbiased decision making. We do not believe it is possible for a professional employed by an owner to present an entirely impartial case, as the financial interest of the client/consultant relationship predominates. There is also a worrying reference to “suitably experienced architectural specialists [having] earned autonomy from routine listed building consents” (p59). Not only is this assumption dangerous, there are also cases where the advice of a historic building consultant or archaeologist would be more appropriate.

We consider the consultation advice we give to local authorities – along with that of the other national amenity societies – to be valuable and of high quality. The technical expertise we provide contributes to the creation of attractive environments. In our own work we strive to be “responsive and outward looking” and are not “risk averse” (p70), but relish the opportunity to help to shape the heritage of the future

9. DESIGN

The ambition to produce new places “that can become the heritage of the future”(p25) is laudable, as is the Secretary of State’s statement that “We will cut red tape, but not standards, placing a higher regard on quality, design and environment than ever before” (p8).

Beauty

The concept of beauty is very difficult to define in general terms and is ultimately subjective. The idea of a “Fast-track for beauty” could appear to be unrealistic, however we are reassured that it is defined as relating to local character: “[we will] make it easier to automatically permit proposals for high-quality developments where they reflect local character and preference” (p22).

Design

We broadly welcome the creation of a body to support the delivery of “provably locally-popular design codes” (p49) and the fact that good design is to be defined according to local character. There will certainly be a role to play for a new National Model Design Code “setting out more detailed parameters for development in different types of location” (p46). However, it is not clear how localised this will be. Local distinctiveness can change both rapidly and subtly from area to area and even within one area there can be significant variations. In addition to “pre-established principles of what good design looks like (informed by community preferences)” (p52), high quality design also depends on high quality materials and appropriate methods of construction.

The proposal for each authority to have a chief officer for design and place-making is a very positive step forward.

10. ENFORCEMENT

This is offered as a way of ensuring that the new policies are applied appropriately, but we know from our experience that enforcement, especially when retrospective, is rarely taken up, quite ineffective and a poor deterrent. The planning system should not be seen as a way of imposing restrictions on developers but, rather as a positive process of creation and negotiation. We do not believe that having a retributive system would incentivise high quality developments.

11. LEVELLING-UP AGENDA

The government is committed to redressing the inequalities which have developed across the country over the past two decades. There is a risk of inequalities being exacerbated by the proposed reforms, as less affluent areas tend to have more pressing and immediate concerns ahead of planning.

Disparities in land values may also impact the quality of development in some areas, especially in terms of design and materials.

12. ENVIRONMENT AND CLIMATE CHANGE

The AMS is committed to helping the Government deliver Net Zero emissions by 2050. Our Patron, the Prince of Wales, recently re-affirmed his commitment to tackling climate change in an address to mark the opening of Climate Week in September: “Without swift and immediate action, at an unprecedented pace and scale, we will miss the window of opportunity to ‘reset’ a more sustainable and inclusive future.” The AMS shares this vision and believes that the historic environment has an important part to play in delivering this more sustainable future.

We are impressed by and approve of the aspiration that the reformed system is to have “a proactive role in promoting environmental recovery and long-term sustainability.” (p56).

The NPPF is to be revised “in the Autumn” to allow for greater flexibility in introducing energy efficiency measures. While this is a positive development, it will be important to ensure that these measures do not negatively impact on the character of historic buildings and areas.

Last, but not least, it is important to consider the embodied energy that the existing building stock contains, and how repurposing old buildings is often more efficient than building new ones. Alongside these planning reform proposals, we hope that your Department will encourage the re-use and adaptation of existing building stock, possibly with fiscal incentives.

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