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Planning White Paper

Response from the Highgate Society, 10a South Grove, Highgate N6 6BS

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Introduction

The Highgate Society is one of the oldest, largest and most active Civic Amenity Societies in the Country. It has some 1,300 members, and was founded in 1967. It was a member of the Civic Trust, and is now a member of Civic Voice. It is also a member of The London Forum of Amenity and Civic Societies, the umbrella organisation for the civic movement across London. Both organisations are sending their own separate responses, both of which we strongly endorse as reflecting the experience and concerns of the Amenity Society Movement and, to a not inconsiderable extent – as our own experience confirms – of the wider community.

The Society has a dedicated Planning Working Group, which benefits from the input of experienced senior professionals, practicing and retired, in the town planning, architecture, heritage and similar fields, and also has expertise in issues relating to traffic and transport, conservation and ecology. It is represented on the City of London's statutory Hampstead Heath Consultative Committee. It can therefore muster skills in the full range of issues connected with Town Planning and the management and improvement of the living, working and natural environment in the interests of the wider community.

We monitor all planning applications submitted in its area, which covers parts of the London Boroughs of Haringey, Camden, Islington and Barnet, and comments on some 5%-10% of them, amounting to several hundred detailed submissions per annum. We liaise closely with planning and other relevant departments of the local authorities, and with Ward Councillors. We took the lead in the successful preparation of a Neighbourhood Plan for Highgate, participates in revisions of local plans, and played a major role in the preparation of the Highgate Conservation Area Character Appraisal and the current review of the Local List for Highgate.

We also seeks to liaise whenever possible with developers proposing schemes in Highgate, though the absence of any obligation for a developer to engage in pre-application discussions with the local community means that only those who appreciate the value of community engagement respond; hence our support for a formal community role in the planning system, articulated below. We possess a letter from the Managing Director of a major development company thanking us for our input into his scheme and maintaining that it was a better scheme as a result. The Society also participates in planning appeals, a field in which we believe we have a creditable record.

If carried out responsibly and co-operatively, this can, far from delaying or slowing the planning process, actually both speed and enhance the planning and development process and ensures the best outcomes for both developers and communities. The proposals in the Planning White Paper will, in our view and experience, destroy this invaluable and integral element of the planning system by removing the right of the Society, and community groups everywhere, to participate effectively and constructively in the planning process.

Factors specific to London

As a London organisation, we fully endorse the representations of the London Forum of Amenity Societies. In particular, we deplore a current system which allows c.300,000 residential planning consents to remain unbuilt (a figure which we understand nationally to be nearer to 1 million units) and which has expanded permitted development to the extent that local authorities have no control over the standard of, or necessity for, the units being provided. It is widely accepted that there is in reality no numerical shortage of housing; the real shortage is in the housing actually needed – i.e. affordable and social housing for the key workers who can no longer afford to buy or rent in London. As a result, London in general, and Highgate in particular, is being overprovided with unaffordable market housing much of which is bought for investment and allowed to remain vacant, while local authorities are barred from providing the affordable housing actually needed.

This is a particular problem in Highgate, an over-expensive area desperately in need of affordable housing. When preparing our Neighbourhood Plan, the Highgate Society identified some 27 sites which we considered should be allocated for affordable housing. The examiners allowed us only five. The insinuations by Government that local “nimbys” and uncooperative local authorities are responsible for the current shortage in housing are therefore highly regrettable, and inaccurate, when it is clear that the responsibility lies with developers who deliberately let sites lie fallow from year to year to maintain values. This situation has been exacerbated by a permitted development regime which ensures that (a) the “much-needed” housing actually needed is not built and (b) the infrastructure necessary to ensure a balanced community is not provided.

We particularly echo the London Forum’s concern that Metropolitan Open Land has been omitted from the categories of land to be designated as “protected”. Most of London’s most important open spaces are Metropolitan Open Land, which is currently afforded the same status as Green Belt. Since this would prejudice the future of internationally important spaces such as Hampstead Heath, we trust that the failure to mention Metropolitan Open Land in the paper was simply an omission, and that it will, in any final proposals, be afforded the same protection as Green Belt.

In summary, we would strongly endorse the London Forum’s comments, which reflect the experience and concerns of ourselves, and of other communities, in London:

“ In his introduction to the White Paper... the Prime Minister asserts that ‘thanks to our planning system, we have nowhere near enough homes in the right places’, and that the time has come to ‘tear it down and start again. The White Paper’s proposals]... fall well short of a coherent system that is capable of imminent deployment.

“...The current planning system has its shortcomings. However, the White Paper offers scant evidence either to support the Prime Minister’s assertion that it is principally to blame for the failure to meet housing targets, or to show that the Government’s proposals will bring about a significant improvement....”

We would make the following specific comments in support of the London Forum’s argument:

(1) While a formal status for community participation in preparing local plans will be useful, the right to see, and to comment on, planning applications is equally, if not more, important – and valued by the community – and must be retained. Indeed, we consider that barring the community from commenting on planning applications would be a major abrogation of community rights, would be a breach of Human Rights legislation and contrary to the provisions of the Aarhus Convention and open to challenge on that basis, particularly if developers are to retain the right to appeal against refusals of permission.

The Government’s overt insinuation that the right to comment on planning applications should be removed because this part of the planning process is “dominated by a small minority of voices” is a shameful misrepresentation, which we can only assume derives from those elements of the development industry who have a contempt for communities.

The Amenity Society movement alone comprises perhaps half a million individual citizens passionately concerned for the sustainable development of their environment. The London Forum of Amenity and Civic Societies probable represents over 50,000 Londoners with similar concerns. The Highgate Society, with 1,300 members, is confident, from the feedback it receives from the wider community, that its input into the planning system is supported by the great majority of local people, they have only limited confidence their local authorities and an overwhelming distrust of developers.

Combine these figures with the memberships of such organisations as The National Trust, English Heritage, the national network of Wildlife Trusts, and a vast range of similar civic and heritage organisations nationwide, and it is abundantly clear that, far from being “a small minority of voices”, the movement comprises many times more citizens than are members of all political parties combined, and that the overwhelming mood nationwide is one of distrust of local and national government and developers, a real anger that they are dismissed as unrepresentative - many such groups have leading professionals in all aspects of town planning in their memberships - and a strong desire for a meaningful role in planning the living, working and natural environment.

This misguided and misinformed attitude towards the community and the environment by the astounding statement, by the Prime Minister himself, that housebuilding is prevented by “newt-counting delays.” This statement surely demonstrates a deplorable contempt for the natural environment; a contempt which we fear is also held for the national heritage, for holistic planning for the benefit of the wider community, and for the community itself which is demonstrably concerned for all of them.

It is therefore all the more unfortunate that the Planning White Paper appears in part to be predicated on such a wilful misrepresentation of the community’s aspirations, abilities and, indeed, bona fides.

(2) The White Paper’s proposals that the Local Plan process should focus primarily on identifying land for development, and on specifying what can be built on that land, is far too broad-brush and insensitive. Land-use designations and site allocations are merely the end of a process that must start with a vision for the locality and a set of strategies to deliver that vision appropriate for that locality, not set in stone by national targets.

(3) The “One-size-fits-all” approach proposed by Government cannot work across all areas and all aspects of development management. Local policies to meet local circumstances are critical.

(4) While the emphasis on good design is welcome, the proposed method of application is unrealistic and will fail to meet the objective. It will impose a huge burden on Local Authority resources and on the community, particularly in the preparation of design codes for all designated sites – a highly skilled process - and even then, the final decision as to whether a design is appropriate or “beautiful” will be in the hands of the developer, not the community. The local community must be entitled to comment on individual design, particularly when it is in sensitive areas. Indeed, it is inevitable that developers will continue to submit non-compliant applications and have them judged against national development management policies. This will lead to deep resentment and disillusionment in the community. Likewise, we infer that, if housing targets are not met, developers will then be able to override design codes, which would be a completely unacceptable denial of community rights and a clear threat to the heritage and the living environment.

(5) The presumption, in the new Standard Method for setting housing targets, that building more homes in areas of poor affordability will lower prices in those areas, is hopelessly naïve. Building more houses in Highgate – even if sufficient land was available, which it is not – will not reduce prices. Merely building more market housing in one of London’s most expensive and desirable residential areas will, on the contrary, both boost the market and promote an escalation in prices. It

will certainly not address housing mix, a particularly acute problem in Highgate where there is little affordable housing. Indeed, the problem of the huge number of unbuilt consents elsewhere in London does not apply to Highgate, where luxury housing is the main type of housing built and is snapped up by those with no financial constraints, thus eliminating any tendency for values to fall.

(6) As regards deferring payments of the proposed replacement Infrastructure Levy until completion, this will merely reduce the delivery of affordable homes and infrastructure in local authorities such as Haringey and Camden with significant needy populations.

(7) We would also fully endorse the Forum's argument that this is not the right time to turn the planning system on its head, especially – as they correctly say - since most of the benefits could be achieved without such unnecessary upheaval. In view of the lack of detail and, indeed, lack of thought about detail evident in the White Paper and the huge uncertainty which it presages, the damage which introducing it unchanged and universally would be so extensive that it is absolutely essential to test its operation by Pilot Projects.

As you will be aware, a recent survey by Grosvenor Estates and Civic Voice showed that, while only 8% of communities trust their local authorities, a mere 2% trust the development industry. Our own long experience leaves us in little doubt that this distrust, particularly the latter, is only too well founded, that a high proportion of community and other groups consider the Planning White Paper, as currently formulated, to be the result of pressure from the development industry on Government to make development easier by disabling the community from engagement in the planning system, and that, if the proposals proceed unchanged, the consequences will be the loss of what little public trust remains in the planning system, a major political backlash and, worst of all, a continuing failure to provide the homes actually needed.

We therefore conclude, with the London Forum, and with many others from all sectors, whose responses we have seen, that the Government's proposals will not deliver its vaunted benefits, particularly in London.

QUESTIONS AND RESPONSES

Pillar One – Planning for development

Three words to describe the Planning system:

Essential – but grossly underresourced;

Democratic – it enables communities – who happen to know their area and its needs better than Government or developers and, sometimes, their own local authorities - to fully engage with what is done in their areas. We have long argued, through our experience of working with the local community, and in the writer's own experience as policy officer for the Civic Trust for ten years, that, if communities are given a proper role in the planning system, the result will not be more opposition and less development but, on the contrary, more, and better, development.

Complex – though this is mainly due to ten years of piecemeal bolt-on legislative changes - particularly the widening of permitted development – which have made a cumbersome but logical and comprehensible system inestimably more complex through, in effect, preventing communities from “planning” their areas.

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

Yes. As described in the introduction, the Highgate Society, like most amenity societies across the country, has a long tradition of close involvement at every stage of the planning system. We are also aware that this degree of engagement is highly appreciated by the local authorities, and also by responsible developers.

2(a). If no, why not?

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?

We are dismayed by this grossly erroneous statement. On the contrary, the proposals in the White Paper would eliminate most of the opportunities for communities to contribute views on planning proposals, and would constitute a major blow to local democracy. As indicated above, it would cause the deepest public resentment and distrust.

The current system of notifying the community, of local plans and inviting us to submit comments within a given timeframe, is adequate, and manageable, for most communities.

The notification and engagement processes can be on-line. The Government seems to place great emphasis on electronic communication; but studying, discussing and responding to draft plans is a complex and time-consuming process needing communal discussion by the various groups involved. In the case of large plans – and we infer that plan based Local Plans is an aspiration of the Government, although we consider it impossible to distil the complexities, intricacies and detail of a local plan down to a few drawings - studying these on a laptop screen is almost impossible, particularly in group discussion. Therefore, paper copies must also be available, particularly for those members of the community who are not computer literate but still anxious, and entitled, to play a role in the process.

We are therefore unconvinced that the proposals will make it easier for community groups to engage. While couching planning material in terms which are easy to understand is of course, desirable, comprehension and clarity of detail are more important than mere brevity for brevity's sake. Indeed, brevity without clarity would make the whole process more difficult to understand and engage with. It is in fact very difficult to distil a complex development down to a few simple diagrams demonstrating compliance with policies. While we appreciate concise applications as much as anybody, simply demanding that they be no more than 50 pages is a denial of practicality.

While Proposal 1 would clarify land use intentions – although even that will not be straightforward in a mixed use community where residential, employment and community uses are intermingled – the production of support documentation such as design codes will require skills and resources local authorities will in many cases not be able to afford and with which some communities will struggle to engage without support. Local Plans should not be over-simplified to the point where they are over-blunt tools for the community.

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

(1) to maintain a viable balance of retail and business uses in our two main commercial streets – a process which expanded permitted development is already rendering very difficult;

(2) To see pre-application discussion with community groups as a formal element of the planning process. Communities here and elsewhere perceive confidential pre-application discussion between developers and local authorities as little more than a “stitch-up”, often resulting in an agreement of convenience which ignores local and national policies. We can cite cases where we consider that this has happened.

(3) To ensure the protection of our conservation area and our valuable open spaces.

A NEW APPROACH TO PLAN-MAKING

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

We consider the three categories to be inadequate and too insensitive to allow for proper planning.

While “Protected areas” - including, as noted above Metropolitan Open Land, which must be specifically included –may have some degree of protection, other sensitive areas not so designated will be exposed to harm from inappropriate development. For example, there are many pleasant and/or historic residential areas, much valued by their communities (including within the Highgate Neighbourhood Forum area), which are not within a Conservation Area, but which are valued for their existing character by their community and are patently neither growth nor renewal areas. Many of them will contain important and locally valued Victorian and Edwardian terraces, and valuable undesignated open spaces, which are of paramount importance to the local community, in amenity ecological terms. Likewise, areas of countryside not designated as “protected” would appear to be us to be at similar risk, when they are clearly in need of neither growth nor regeneration. The Prime Minister has assured us that 30% of the Countryside will be protected; this, though, is hardly reassuring if it implies that 60% of the countryside can be developed, particularly since much countryside around urban areas may not be designated as “protected” but is still an essential amenity.

We therefore suggest that the categories need to be expanded to at least five:

- (1) *Protected Areas*, the designation “Protected” to include Conservation areas, Green Belt, Metropolitan Open Land, and any other appropriate category of land;
- (2) *Sensitive Areas*, not meriting a formal national protected designation, but nevertheless too valued by their communities in their existing form, to be lumped into “growth” or “renewal”;
- (3) Growth areas, as proposed;
- (4) Renewal areas, as proposed;
- (5) Countryside, within which local authorities and communities can make their own decisions as to what is to be allowable or acceptable.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans

We do not support the White Paper’s proposal to “set out general development management policies nationally, with a more focused role for Local Plans in identifying site and area-specific requirements.” Government have spent the past decade committing itself to localism and delegating decisions down to the local level. This appears to be recentralising control of planning.

Local policies will continue to be essential because NPPF policies cannot cater for the variations in character and requirements across England. As for the proposal that local authorities should set precise zonal design rules for matters such as basements for every plot in their entire area, this would be an intolerable imposition on local authorities and communities, and constitute an unmanageable burden resulting in even more complex local plans.

We also cannot understand the rationale behind the proposal to remove the Duty to Cooperate. Local authority boundaries, particularly in London, are often arbitrary, bearing no relation to practical everyday needs. In Highgate, for example, the boundary between Haringey and Camden goes, for historical reasons, down the middle of our High Street. This created insuperable problems for the holistic management of development and planning in Highgate, and the Highgate Neighbourhood Plan was specifically compiled to address this obstacle. Strategic planning across local authority boundaries is surely critical in this day and age, both within London and with local authorities outside London, to achieve holistic planning.

While we would welcome the Government’s commitment to “best-in-class” community engagement in the preparation of Local Plans, and in the construction of design codes, etc., we would, first and foremost, question what “best in class” actually means? Indeed, we share with many others the fear that it is a meaningless phrase designed to obscure the fact that community engagement in the planning system is to be substantially abrogated. There is currently no “class” to which to refer or compare, or, indeed, any formal right whatever to engage in the planning process; yet the current informal process works to the advantage and benefit both of the community and the environment,

and needs no more than simple formalising and tightening which, we understand, Civic Voice is proposing following consultation with its members.

As the London Forum has pointed out, and as our long experience shows, there is, further, no assurance whatever that what gets designed – even if in accordance with the design codes - will be what gets built. Our experience leaves us with little doubt that proposals which are not compliant with the design codes and specifications will continue to be made, and while they should be rejected out of hand, they will in practice, as the White Paper proposes, be either decided by the local authority in accordance with national guidelines and NPPF policies (which will be too broad-brush, being intended to be applied in every situation) or, worse, accepted by the local authority on the mere assurance of the developer that it is compliant, since an under-resourced local authority will simply not have the capacity to check everything. This will not only negate any community participation at the front end of the process, but will reduce any motivation for communities to participate at all and actively encourage developers to ignore the process.

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

No . We would support improvements in the Local Plan process, but have expressed major concerns about the proposals, including what we consider to be the inadequate number of land categories, which will make place-sensitive planning and placemaking more difficult. Local Plans must be of a high standard, with unambiguous requirements, restrictions and design codes for sites as well as areas which both developers and communities can understand and apply. However, specific local policies will still be needed for matters that cannot be covered in general national policies.

Proposal 1 option that Growth and Renewal Areas should be combined is not acceptable. As set out above, we believe there should be more, not less, categories. ‘Permission in principle’ would be unsuitable for many Renewal areas and is completely unsuitable for Protected Areas. Growth Areas can include brownfield land whereas Renewal Areas can cover housing estates and district town centres, each requiring different approaches. As the Paper proposes (1.16), “Local Plans should set clear rules.” This will be impossible if those rules are overridden by insensitive national policy imposed for its own sake.

It will also be incompatible with para. 1.6 of the White Paper that in some cases, the Local Plan “vision has been buried under layers of legislation and case law.” In particular, this has been a major adverse outcome of the widening of permitted development, which inevitably overrides Local Plans. Local Plans should contain policies that are specific to the location and its characteristics as required by NPPF para. 28. The proposals appear to be at variance with the statement, in White Paper para. 3.26, on “the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated.”

We would, however, strongly support Proposal 17, para. 3.29, which requires Local Plans to “clearly identify the location of internationally, nationally and locally-designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.” We therefore strongly support the requirements of the current NPPF and of the White Paper for local policies to be in Local Plans.

White Paper para. 2.1 refers to the zoning planning system in Japan. However, that uses twelve zones, each of which specify where developments of eighteen types can and cannot be built, including heights and permitted floor space. The White Paper proposals do not allow anywhere near such sensitivity, and Local Plans must be able to clarify requirements and limitations which cannot all be covered by local design codes, nor by general policies in a new NPPF which cannot cover the individual character requirements in such a varied place as England.

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. It would be inappropriate, counterproductive, and damaging to local democracy to set national policies applicable to Local Plans. Given the huge variation of character and needs of different areas, even within the same Conservation Areas (as in Highgate), this in itself will lead to confusion and uncertainty. National guidelines and policies in the NPPF will of necessity be too generalised to be of value in individual local circumstances. Indeed, precise NPPF policies on local matters, of which they can have no specific knowledge, may even result in harm to local character and historic assets, resulting in great anger from a community which would rightfully feel that it was powerless to protect its own environment. The removal of the Duty to Cooperate will only exacerbate this where conservation areas and other sensitive areas cross boundaries.

Creating local plans and design codes for all sites will be a very long and time-consuming task – for the local community as well as the local authority. Even for a group with the professional skills and capacity of the Highgate Society, the creation of a Neighbourhood Plan was a highly demanding task for the community. It will take much more than the 30 months optimistically demanded by the Government (and if this 30 months also includes the Public Examination process, it will be even more impossible); in the meantime, and perhaps in anticipation, many sites will be subject to planning applications before the plans can be completed, and in the resultant hiatus, communities will be rightly worried that such applications may be determined under extant national development management policies, neutralising their efforts.

The White Paper's professed intention to improve the involvement of local communities is clearly at odds with the evidence – that communities will no longer have the right to comment on any aspect of individual applications, their design, or appropriateness, however poorly designed or inappropriate; yet local authorities and Inspectors will retain the power to approve developments which conflict with the Plan. In a true zonal system, developments which conflict with the Local Plan are illegal, and ***third parties generally have a right to bring an action to enforce***. As stated earlier, we consider the absence of a third party right of appeal to be in breach of Human Rights legislation.

We therefore supports the option in Proposal 2 that local authorities must be able to set development management policies, as under the current Local Plans system.

In summary, we believe that we are not alone in considering that the White Paper's proposals bring more certainty to developers but actually disenfranchise communities, which is completely unacceptable.

Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness.

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?

No. The test of whether or not a Local Plan is sound should remain. However, we support the proposal that "an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed," with the proviso that, if a local authority can demonstrate that there is no stock of reserve sites, those conducting the Examination should propose how any shortfall might be addressed and the Local Plan nevertheless approved to speed the process of adoption. In this connection, too, the Duty to Cooperate may in some cases be essential and should be retained.

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

As Already observed, we consider that the formal Duty to Cooperate must be retained. It is unnecessary to seek a whole new approach when a Duty to Co-Operate is the obvious one.

Proposal 4 : A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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

No. We fully support the comments made by the London Forum of Amenity and Civic Societies. The particular constraints affecting Highgate as regards land availability and affordability of accommodation have been referred to above. In particular, the Forum's observation that a figure generated to direct new housing to areas where house prices are highest, regardless of capacity to accommodate it, is of particular relevance to Highgate, where there is genuinely little available land. As the Forum observes, a substantial rethink is needed of the whole system, not just in London but nationwide, will fail.

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?

We endorse the comments of the London Forum of Amenity and Civic Societies, who have studied the subject in great depth.

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

Proposal 5 : Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

We do not wish to comment on this, beyond our earlier comments regarding the inadequacy of only three proposed Zones, and our concern that automatic outline permission will inevitably lead to undesirable outcomes, for the community, the local authority, and perhaps even the developer if their proposals are unconstrained by the realities and circumstances of local planning and aim solely for the highest financial returns regardless of impact.

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 . This is in our view a retrograde step, depriving communities of the right to comment in detail on proposals, particularly in growth and renewal areas which will still have residential communities with their own aims and aspirations. It would be an unacceptable deprivation of their rights. At the very least, grant of permission should be only when applications conform to the design codes, and the requirements of Local Plans.

It is also unclear what is meant by "pre-established development types in other areas suitable for building" and the words "streamlined and faster consent routes" in the White Paper's paragraph 2. Is this applicable to Protected and Renewal areas too? If this is the intention we would strongly oppose it.

In addition, we are concerned by the apparently interchangeable use of the terms "permission in principle" and "outline planning permission", suggesting a lack of understanding on the part of the compilers of the White Paper. If an application is contrary to the Local Plan, it is surely essential that a full application should be made and determined by a local planning authority in the same way that an application is processed now. As paragraph 2.34 states, "to improve certainty" [we would add

“and public confidence”] “in the system, it will be important for everyone to have confidence that the **plan will be the basis for decisions**, and so we intend to strengthen the emphasis on a plan-led approach in legislation.” However, the White Paper’s emphasis on the predominance of national guidance and policy, and the removal of the community’s right to participate in the planning process, gives us little confidence that this is either intended or practicable.

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

No . The proposed inability to set general development policies in Renewal and, especially, Protected Areas is likely to lead to highly unfortunate results, which may well work against the interests of the community affected, when such areas vary so widely in character and needs. A national construction management policy without scope for local variation will cause huge resentment and anger in local communities, as will the imposition of general principles on development in conservation areas. A national policy will stimulate opportunistic applications submitted in the hope, or even anticipation, that they will be approved on appeal.

We equally strongly object to the White Paper proposal (para. 2.35) that applications in Protected Areas should solely be “judged against policies set out in the National Planning Framework.” That would remove the right of local authorities and communities to plan development on their areas according to local needs and circumstances. NPPF policies would be unable to determine properly whether a development in any town centre or conservation area meets locally-defined expectations and requirements. Applications in Protected Areas should be assessed against local policies, as well as the NPPF.

Even more critically, the White Paper fails to specify what policies any legal presumptions will override if housing targets are not met. If it overrides protections for parks and Metropolitan Open Land, local communities would be outraged. If it were to override design codes, enabling inappropriate developments to be imposed, that, too, would cause public anger. Will it override Green Belt protections? The White Paper is dangerously flawed in failing to address such fundamental issues, which are of major concern to the whole community.

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

No. It must surely relate to local or regional need, and something which will have such a major impact on the region, infrastructure, traffic, protected or unprotected countryside, rural and archaeological heritage must receive detailed consideration as to the appropriateness of the location.

Proposal 6 : Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.

Simplifying and speeding the process through the use of digital technology should be course be an aim, though it should not override the requirements of local democracy in enabling all sectors of the community to engage, regardless of their digital accomplishments or facilities. We are unclear how digital technology, however sophisticated, could determine the appropriateness of an application for any particular site, particularly in a protected area.

Equally, or perhaps more, important, will to ensure that local authorities have the resources to assess the conformity of applications with policy and that no harm is caused to heritage assets or to social and transport infrastructure.

We would also strongly oppose the thoroughly undemocratic proposal in White Paper para. 2.40 that “some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases.”

There could be many reasons for such delays, not least failures on the part of the applicant. Good planning decisions are more important than speed, and the democratic process should not be sacrificed to an uncritical obsession with speed. Local planning authorities will also need the

resources to ensure that they are able to meet deadlines, since such a procedure would inevitably encourage appeals against non-determination.

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

No . These proposals will not make decision-making faster and more certain, but will weigh the scales significantly in favour of developers and against communities and, as noted above, will increase pressure on the Planning Inspectorate as more developers are tempted to exploit the appeals system as a “second throw of the dice”. Disenfranchising communities will lead to conflict and may result in less housing where it is needed, due to backlash from the community. It would be entirely wrong to regard non-determination as meriting automatic approval, especially when the scheme could cause harm and the delays are caused by the applicant, either inadvertently, or deliberately to increase the chances of getting an inappropriate permission. Such a move would be undemocratic and could lead to significant miscarriages of justice.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

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

Local Plans?

Yes , but it must be specifically designed with those elements of the wider community who are not proficient in digital technology in mind.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Our comments on community engagement in production of the Local Plan, and our major reservations on automatic sanctions for failure to meet specified timetables, are given above. We are extremely uncomfortable about these proposals, which appear to priorities speed over good planning. While the White Paper speaks scathingly and hyperbolically of “vast swathes of evidence based documents” underpinning Local Plans, this evidence will be essential if context, character, typology, the need for different land uses, etc. is to be accurately and realistically determined.

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

No . The proposed timescale is far too short, particularly if local communities are to have a formal role in the process; many will need help and training if they are to be able to produce adequate and good quality local plans tailored to their needs and aspirations. Neighbourhood Plans alone have taken several years to complete, despite the best efforts of the local community. In many areas, particularly protected areas and regeneration areas, the complexity of their varied needs and considerations will mean that this will be an entirely inadequate timescale to ensure high quality documentation and well-considered proposals which will meet the needs of the area for the next decade or more. An emphasis on speed over quality will result in inappropriate and badly-designed development which will further disenfranchise and alienate the local community. The quality and amount of community engagement will also be critical. As indicated above, terminology such as “best in class” is dangerously meaningless and imprecise, promising an entirely unspecified level of engagement which communities will inevitably find disappointing.

In addition, at Stage 4 of the examination process, it is imperative that the right to be heard by all who engaged should not be at the discretion of the Inspector, but must be guaranteed. Likewise we would oppose the proposal to remove the Examination stage and merely require Local Planning Authorities to undertake a process of self-assessment. This would inevitably result in standards being entirely dependent on the competence and capacity of individual local authorities, and in further disillusionment for the community.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

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

Yes. Having put communities to the extraordinarily arduous and lengthy process of producing Neighbourhood Plans, it would be invidious, and even a betrayal, to abolish them. However, there is a major inequity in that only those areas with the skills and determination among local people have produced them. It is surely inequitable that significant areas – particularly deprived ones - should be denied the opportunity to determine their own futures through lack of help, training or ability to produce their own Neighbourhood Plans. It should be a priority to ensure that every community has a Neighbourhood Plan, or at least the opportunity to produce one should it desire; some may not.

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 should be streamlined by removal of the requirement for an extensive evidence base; community aspirations should be given priority and every effort made to accommodate them. Neighbourhood Forums should also retain their present powers to retain a percentage of section 106 contributions for local social or improvement projects.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10 : A stronger emphasis on build out through planning

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. It is imperative that a developer should bring to completion a permission, particularly for housing, within a specified period – say three years. A failure to do this will in effect be obstruction of a local authority’s efforts to meet housing targets. To sanction or punish a local authority for practices so clearly out of its control would therefore be deplorable. Local authorities must be empowered to impose a tax upon the land value of any site on which the permission has not been completed after, say, three years. If there is a valid reason for the delay – say, an economic recession or bankruptcy of the developer, the local authority should be empowered to compulsorily purchase the land, at current value, and develop it with 100% affordable housing. For this, a national fund should be established to ensure that the local authority is not in such cases faced with an insupportable financial burden.

Further, if the consent has not been implemented before the time arrives for preparation of a new local plan, it must automatically lapse and the situation re-examined in the light of current local needs or circumstances, or changed national policies.

On the basis of our long experience, it is also essential that the definition of a “material start” must be amended to mean a real and irreversible start of the development. On too many occasions we have seen developers exploit the current definition of a “material start” – basically digging a hole in the ground to keep the permission alive and abandoning the site again for an indeterminate period, which the community regards as an abuse of the planning system.

As you will also be aware, there are currently over 100,000 unimplemented consents for residential accommodation in London alone. Any eventual Planning Bill should reflect the recommendations in the Letwin report for addressing these, and other, failings.

Pillar Two – Planning for beautiful and sustainable places

OVERVIEW

We of course support the White Paper’s aim (para. 3.1) for “the creation of beautiful places that will stand the test of time, protect and enhance our precious environment, and support our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050” and (para.3.2) “...fostering... not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community”.

However, we positively recoil at the concept of Government legislation for “beauty”, given that such a subjective concept cannot be imposed at a national level without equally strong powers at the local and, essentially, the community level. The local community is the best – we would argue, the sole – judge of what is appropriately “beautiful” – or, to use a more acceptable term, of excellent or appropriate design – in its own area, which it often knows better than the local authority and invariably better than Government.

Were there not other equally compelling reasons, stated elsewhere in this response, it would be imperative, for this reason alone, that the community right to submit comments on individual planning applications be protected and retained, and that local authority planning Committees be retained to consider them and any objections to them. Indeed, such a process should be strengthened by formalising it. Barring the local community from making any comment on the appearance or design of applications in their area will fatally damage public trust in the *bona fides* of local and, particularly, national government.

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

Except when the Highgate Society and the Highgate Conservation Area Advisory Committee have been involved, it has generally been deplorable. However, although much of the resultant opprobrium has been heaped upon the local authority for allowing such poorly-designed developments, often against their own policies, a significant cause of this has been the local authority’s reluctance to refuse applications on grounds of design, for fear that they will lose on appeal and have costs awarded against them – which, as our local Head of Planning has pointed out, “would mean a year’s salary for a Conservation Officer.”

It is therefore not only unrealistic, but naïve, to believe that this can be addressed by national design codes. National encouragement for, and insistence on, good design is critical, but the final decision must rest with the good judgement of the local community.

We fully support the Lonbon Forum’s observation that “The objective that a ‘range of homes can be provided to meet the needs of present and future generations’ as required by the NPPF has not been achieved in London where homes for low-cost rent are the priority, and this White Paper will make its achievement less likely.” Our own experience leaves little doubt that the open market will not provide the housing which is most needed, but only the housing which will sell most profitably.

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

For several years the Highgate Society has had a separate Sustainability Group which is active in giving advice to its members and the wider public on making their homes as sustainable as possible, especially in the context of retrofitting Listed Buildings and Conservation Areas.

CREATING FRAMEWORKS FOR QUALITY

Proposal 11: To make design expectations more visual and predictable, 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.

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

With significant reservations. While we are grateful to see that the importance of good design – something for which we and other community groups like us have struggled to achieve for decades, in the face of accusations of being “taste fascists” - is at last recognised by Government, we do not believe that “good design” and “beauty” can be exclusively imposed from the national level. A national statement supporting local authorities and communities in their insistence on good design is welcome, and national overall guidance will be invaluable; but the detail must be left to the local community, and its preference respected.

However, the production of detailed design codes which will achieve the community's aspirations will be a major undertaking, both for the local community, and for the local authority, who will require the resources to enable them to take on sufficient skilled staff to produce them.

We are, however, alarmed to note the London Forum's observation that "the White Paper appears to offer developers the opportunity to circumvent the design guides and codes either by submitting non-compliant planning applications for assessment against national development management policies, or, when housing targets are breached, by asserting that the local plan should be overridden. This would cause widespread disillusionment and hostility towards the new system." This loophole must be addressed in any final version .

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

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 , although a single officer will in most cases be unable to cope, particularly in important Conservation Areas. They must be well resourced with sufficient staff to carry out the task. In the current climate, when it is proving immensely difficult to find Conservation Officers even where the local authority has the resources to do so, there are too few professionals with the necessary skills to create the number of codes required at the speed the White Paper contemplates; this is a crisis of professional training. There are, however, numbers of community groups across the country which do have these skills and can play a vital role in produce codes tailor-made for their areas; they should be nurtured and encouraged.

In the light of the above, the statement in the White Paper (para.3.12) that "streamlining plan-making will allow some re-focusing of professional skills" in local planning departments, is in denial of the fact that the skills currently available are already inadequate.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

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

Yes. It is particularly important that priority is given to bringing empty homes back into use as affordable housing, which will significantly ease the short-term housing crisis. Such an approach is desperately needed in London. But, again, good design is to a large extent subjective – it is more difficult to agree on what is bad design than what is good design. Therefore, within the general national guidance on design, the final decision on the detail of what is appropriate locally must be the prerogative of the local community.

A fast-track for beauty

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

No . We strongly oppose the proposal in para. 1.18 to make "changes to national policy and legislation, to automatically permit proposals for high quality developments where they reflect local character and preferences." Indeed, we consider it positively dangerous and bound to lead to bad development.

The words "high quality" and "beauty" are subjective, and are not a basis for planning decisions. Even less are they a fit subject for automatic permission; on the contrary, design and "beauty" are so subjective that there must be the opportunity to consider them on an individual basis at the local level, and it is equally important that the community, as well as the local authority, should be involved.

Finally, we would observe that we have, over the decades, studied and assessed tens of thousands of planning applications. In all that time, we have never, on a single occasion, come across an

application which argues that their development is anything less than “high quality”, beautiful or well designed. Yet many proposed designs to which we have objected have been refused, and then dismissed on appeal. The dangers, limitations and, indeed, naivety of the proposal in para. 1.18 are therefore patently evident.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

We are glad to see the assurance (para. 3.22) that any reformed planning system will continue to protect areas such as Conservation Areas and Green Belt. The Government should not underestimate the high importance which the community attaches to the natural environment, and particularly to undesignated countryside. However, the omission of Metropolitan Open Land – the urban equivalent of Green Belt – from the list must be remedied.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

No comment.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

If the Government is serious about protecting and enhancing habitats and species, then to protect only “the most valuable and important” ones will result in the failure of that objective, since the health and viability of the ecosystem depends on the ability of all species to travel through ecological corridors to populate areas where they are absent, or have become extinct. Equally importantly, it relies on the proliferation of the commoner species which have the greatest beneficial impact on the natural and human environment.

In addition, while all are concerned for the protection of the most important habitats and species, wherever they are and whether or not people visit them, all communities are equally concerned for the well-being of all ecological habitats and open spaces within their areas, which in everyday terms are equally, or even more, important to them. This also applies in particular to the undesignated countryside, which is a vital amenity for the majority of the population who cannot access “protected” or “important” areas.

New policy must therefore take account of the necessity to protect all ecological habitats, and to provide that they are enhanced wherever possible and that, where their loss is unavoidable or necessary in the wider interests of community development, replacement and, where possible, improvement, should be an integral part of the scheme.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st Century.

We support this Proposal, and in particular the equal importance accorded to locally designated heritage, which is of the most immediate importance to communities as creating the character and identity of their living and working environments. Indeed, the loss of cherished local heritage creates as much anger and dismay to communities as the loss of nationally designated heritage.

However, our long experience of community aspirations has confirmed that communities are highly dissatisfied at the excessive difficulty of getting demonstrably valuable, important or cherished heritage assets Statutorily Listed. For example, In 55 years, the Highgate Society has requested only three buildings to be added to the statutory list. All have been declined.

Communities must be given the ability to designate what they consider to be important parts of their heritage. Such a power would, we are confident, not be abused.

We consider it would be unwise (3.31) to grant a blanket exemption from routine listed building consents, even from qualified practitioners, unless “routine” can be clearly and incontrovertibly defined and clarified. Otherwise, unnecessary damage to the heritage will inevitably result.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

We support any such aims.

Pillar Three – Planning for infrastructure and connected places

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

Affordable housing, good public transport, a viable mix of High Street uses (currently impossible with the expansion of permitted development), high-quality community-led place making, protection of our historic and natural environment, and a formal community right to involvement in the planning process.

A CONSOLIDATED INFRASTRUCTURE LEVY

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

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?

No. We believe that a development value-based Infrastructure Levy will have a negative effect, by discriminating in favour of communities with high property values, and disadvantaging communities with low property values, which will normally be those areas of greatest need.

The proposal clearly places unreasonable financial risks on local authorities, who should not be subject to the vagaries of the open market when planning the needs of their areas. If there is a clear need for them to do so, the risks should be underwritten by the government.

Where new development is proposed, it is essential that infrastructure should be in place before the development. If this is to be paid by the developer after completion, the same present piecemeal approach will continue, and will also result in delaying the provision of affordable and social housing, which should be provided at an early stage to accommodate the key workers who will be employed in the development.

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

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? This must depend on local circumstances and should therefore be determined by the local authority.

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

Yes, but Government must indemnify them against eventualities such as developer failure or default which would leave them in unexpected deficit, or even unable to meet financial commitments.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.

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

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision.

Yes . This must be a national priority. As stated earlier, there is no shortage of housing; the real shortage is in the housing *needed*, which is predominantly affordable and social rented housing. Property prices are such that home ownership is out of the question for most keyworkers in London – but it is our perception that developers seem reluctant to provide affordable and social housing on grounds of “viability”. We have seen examples in our own high-value area, where the developer overpaid for the site and then obliged the local authority to accept a reduced number of affordable units on grounds of viability. The current infrastructure levy has not been able to provide the quantities of affordable homes needed in London and the reasons for that need to be examined by Government and taken into account in policies.

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?

No. Significantly more is demonstrably needed.

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?

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

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?

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy.

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

Yes, but there should be a mechanism to ensure community participation in how such monies are spent. The current system of allocating a proportion to neighbourhood forums for local projects should therefore continue.

25(a). If yes, should an affordable housing ‘ring-fence’ be developed?

Yes

DELIVERING CHANGE

Implementing reform

We are concerned that this agenda is driven not by any real desire for reform or improvement, but from pressure to “make development easier”. This perception, whether or not justified, is reinforced in the minds of communities by the proposed disenfranchisement of the community from the planning system (covered above) by removing its traditional and essential right to engagement throughout the planning process.

We endorse the comments of the London Forum of Amenity and Civic Societies:

“It seems that the Government is not intending to wait for the outcome of its considered assessment of this consultation in November 2020 of this consultation to implement the changes....

“Also, it appears that debate in Parliament on the small sites threshold below which developers do not need to contribute to affordable housing will not be allowed, as it is stated in paragraph 84 of the consultation ‘Changes to the Current Planning System’ that ‘Following the consultation, a decision will be taken on whether to proceed with this approach. If it is taken forward, this could be through the introduction of a **Written Ministerial Statement in the Autumn** .’

“The same enforced implementation without full appraisal could apply to the option suggested for extending the current Permission in Principle to major development: ‘We aim to **introduce amending regulations this Autumn** , with the regulations expected to come into force by the end of the calendar year.’

“Community groups and local authorities in London would expect all changes arising from ‘Planning for the Future’ to be in a Planning Bill, not implemented by Ministerial Statements, Statutory Instruments or changes in planning regulations. [our italics]

“Overall, the White Paper presents a number of attractive ideas, but London Forum believes that that the next stage should be ‘proof of principle’ rather than nationwide implementation. *Pilot projects in a small number of Local Planning Authorities [our italics]* could be launched... and properly resourced and monitored to give them the greatest chance of success and a sound basis for national roll-out. If the proposals are rolled out as they currently stand... the most likely consequences are the loss of what little public trust in the planning system remains, a large political backlash, and a continuing or worsened failure to provide the right homes in the right places.”

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

Proposal 24: We will seek to strengthen enforcement powers and sanctions.

We would welcome the removal of the limitations placed on local authorities by the current system as regards enforcement action in the face of the abuses of the planning system which we see regularly – notably, the carrying out of unauthorised works or demolition in the hope that it will be sanctioned on appeal. Our local Enforcement Department is active, efficient and conscientious, but it is under-resourced and the system is currently weighted in favour of the offender. We would therefore welcome a significant strengthening of Local Authority enforcement powers, though this will, inevitably, require better resourcing.

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 are likely to have a highly negative impact on many communities who, through various elements of disadvantage, are not, and have never been, conversant with or engaged with the planning system. The proposals will impose significant, and often unwelcome, change on those communities without their consent; in growth and renewal areas, an intensification of development could cause massive disturbance and upheaval to residential communities. The consent and co-operation of those communities is therefore essential to success.

Failure to address the single most urgent need – that of affordable and social rented housing – will similarly disadvantage huge swathes of the working population, particularly low- and medium-income Londoners and those without personal savings who will never be able to afford to buy in London. The proposals could therefore disadvantage significant parts of the community.

Yours faithfully,

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For and on behalf of The Highgate Society