

White Paper - Planning for the Future

Consultation on changes to the planning system

Response of the City of Durham Trust (Final)

Introduction

The City of Durham Trust is a long established organisation dedicated to maintaining the City of Durham as an internationally acknowledged historic Cathedral City rich with historical assets and contained in a green setting. The Trust welcomes contemporary development providing it is of high quality and sensitive design that does not degrade the distinctive qualities of the City and its assets.

Durham is a small city and its development issues are probably very different to many other urban areas. Its key problem is the expansion of the University and student accommodation. The incremental nature of the expansion has largely escaped the scrutiny and public consultation which should be the strength of the planning system, and which might have minimised the impact and maintained a healthier mixed tenure and economic base in the city. There are two students during term time to every one long term resident in the city itself. For the entire urban area of Durham City the current total population can be reasonably estimated in round terms as 54,500 now, comprising around 35,000 year-long residents and 19,500 students

Other impacts are from public sector Headquarters and hospital provision. A substantial in-town development sector has brought with it discordant development impinging on the scale and setting of key heritage assets.

The Trust has its frustrations with the planning system and its local implementation but the proposed changes in the consultation paper seem unlikely to address them. The changes seem housing focused. The Trust struggles to understand why this should involve the wide scope of the combined changes proposed. The justifications for the change are more statements than evidence based and how they might practically be implemented lacks both detail and obvious routes to delivery. It might be summarised as pulling apart a system that it is claimed is already broken without consensus on where problems lie or how they might be remedied. However, there are laudable aspirations that show promise and might gain more general support.

The central housing issue the consultation paper seeks to tackle is not our City's. There has been recent larger scale expansion outside of the historic core but this has principally been 'executive' housing providing no answer for Durham residents' real needs. The Trust's view is that the recently adopted County Durham Plan is too great an erosion of the green belt that will provide more houses than needed and of the wrong type. Addressing need requires

greater detailed understanding of local variations and much greater flexibility in tackling types of housing and the ways people pay for it. Innovation is still found more in public sector partnered, led or influenced developments. Resourcing is hampering this and, as is the case for County Durham, is leading to an undue focus on the wrong sort of development in response to economic disadvantage.

The Trust has identified areas of support, request, concern and suggestions for improving the proposals.

Support

- Ambition for planning system to play greater role in relation to the climate emergency
- Simplification of parts of the system including assessment methodologies provided that adequate information is supplied for comment and assessments are thorough and independent
- Greater ease of access into the planning system to encourage community involvement
- Emphasis on high standards of design quality through 'Beauty' initiatives – provided that design coding is only used where appropriate, is community driven and is not over-simplistic.
- The positive references to the protection of heritage

Request:

- Set key criteria for decision making as quality and outcome
- Local Plans (as supplemented by Neighbourhood Plans) to set out decision framework and include heritage areas, settings and World Heritage Sites
- Maintain discretionary decision making within key protection areas

Concern:

- Threefold land categorization is too simplistic
- Increased central control at expense of local community based decision making
- Technological change without local authority involvement in what and how to deliver this and loss of community involvement through over simplification
- Reduction in heritage protection including that of World Heritage Sites as a consequence of change. We are concerned that under proposals 16 and 17 there will be reduced information available for public scrutiny of proposals and that under a review of listed buildings there would be less opportunity for public scrutiny of listed building consents for routine work. Experience in Durham is that there is seldom 'routine' work and that details matter.

Suggestions:

- Removing the anomaly for World Heritage Sites by giving them statutory protection and adding parliamentary scrutiny of decisions affecting them

As the Trust has less experience with Section 106 Agreements or the Community Infrastructure Levy (CIL) it is difficult for it to form a response to elements of Questions 22 – 25. The principles it would suggest are:

- Retain local determination of CIL levels – County Durham has difficulty in attracting development and flexibility of rates, including charging none, is necessary
- Concern that centralisation could lead to increased control of what CIL is used to support and a focus on national infrastructure projects.
- Ensure scope for local community involvement in determining level (or none) and uses of CIL
- Ensure transparency in the process

The Questions

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

It is very difficult to pin down a complex system with a complicated relationship with developers, the public and community based organisations in a few words. However we think that *'beneficial, under-resourced, community and public interest'* apply.

2(a). Do you get involved with planning decisions in your local area? [Yes / No]

Yes, the Trust is actively engaged at all levels of planning.

2(b). If no, why not?

~~_____ [Don't know how to / It takes too long / It's too complicated / I don't care / Other –~~
~~_____ please specify]~~

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / **Online news / Newspaper** / By post / Other –

On-line but we consider that the access proposals may hamper our involvement through over simplification. We consider newspapers still have a role for some.

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

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high

street / Supporting the local economy / More or better local infrastructure /
Protection of existing heritage buildings or areas /

Other – dependent on site and area based relevance, each of these might assume priority. It is too simplistic to choose three only for a complex heritage City such as Durham. Heritage and environment protection and action would be amongst the greater priorities followed by affordable housing for a diverse community and supporting the high street.

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

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

We see this as an area of threat to preventing damaging development. It is very difficult to understand why the proposal is necessary in the form suggested as it doesn't seem to reflect any of the concerns that we might have with the system. It seems to be totally housing focused. Any thorough scrutiny of failures in achieving house building targets and in supply of affordable, good quality, well designed, future proofed housing would identify the volume house builders as a significant part of the problem. Housing problems relate more to finance and the destruction of the public housing sector and its ability to fund new development due to austerity public cuts and sale of public housing. Locking in uplift in land value through planning permissions to private developers cuts out community benefit.

The overly simplistic area based solution completely ignores England's very complex mosaic of land use and need. In practice it would be very difficult to divide up areas in this way – especially for heritage cities and assets. Where has this system worked well? There would seem to be less say for a community in what gets built rather than more. There may well be complexities in the planning system but they are not answered by crude area division. For instance, what decides the area boundaries, what happens when an area or parts of it lies in two or even three of the new definitions?

The proposals identify public dissatisfaction with planning and local authorities but there is alikelihood that the Government's scoring would be worse. In Durham, having both a hard won Neighbourhood Plan and County Local Plan, it would be gross waste of all the time and effort to simply tear these up. It seems implied that certainly the new County Durham Plan (10 years in formation) approved on the 21st October 2020 would be completely revised. The fate of the City of Durham Neighbourhood Plan with all of its community hard effort also seems in doubt if the proposals proceed.

We do not agree with the main option of limiting local plans to no longer containing policies and instead just consisting of a core set of standards and requirements for development under a national, universal, blanket set of policies. The very notion that planning policies would be the same throughout the country runs counter to the exhortation for greater public engagement at the plan-making stage.

The third option offered, of retaining policies in local plans except those that would duplicate NPPF policies, is far preferable.

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

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

The general drive towards simple tick box or machine read planning submissions offers no solution to identifying properly sustainable and well designed development that does not harm its surrounds and adequately provides for local needs. Some form of simple summary of what is being proposed as part of a revised planning system might well be welcome, especially if it cut out the disingenuity some developers use to mask the real impact of their proposals. Planning, as described, is solely about helping create development and not offering the environment, heritage assets and communities essential protection against heavily resourced developers.

There may well be scope for simplification between the NPPF, Local Plans and development management. However, for a historic city such as Durham the complexity simply cannot be reduced to a guidance code with submissions simplified for automated assessment against code and policy. Context is extremely important and very variable, site by site. While design codes can be very useful on larger scale developments their value is more limited for complex environments, especially those with a substantial heritage base.

The proposals seem to assume that Neighbourhood Planning resources can cope with the production of local codes. Resourcing is an issue.

The drive towards digitisation may be both inevitable and supportable. However, we fear the simplistic over reliance on private 'tech' firms (that are yet to be fully operational even in their own field) in combination with innovation using software that has yet to be created. Locking out local authorities from the digitisation process would also be a risk and against local democracy. Not everyone has computer and good broadband access yet.

Poverty prevents access. Much is already on line and a tick box system could cut out the detail that community organisations rely on for understanding what submissions are actually proposing as opposed to what is stated by the developer.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

There would be great benefit in simplifying environmental impact assessment and identifying how development proposals will deliver a properly sustainable wide range of outcomes. The doubt is that any rule based, tick box approach could really deliver this, especially if source detail is edited out of the submission system. The proposals do not seem to grasp the complexity of the topic and the flexibility needed in creating sustainable development.

The City of Durham Parish Council (and its forerunner Durham City Neighbourhood Planning Forum) who we work closely with experienced a 12 month delay in progressing our Neighbourhood Plan when a Strategic Environment Assessment (SEA) requirement was placed on them ‘out-of-the-blue’. Local resources provided the essential technical expertise but it felt very much like a box ticking exercise.

It did have the virtue of giving an independent evaluation of a controversial choice regarding Local Green Spaces, but we would have greatly preferred to not have been required to have a SEA

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

The context of this is the dismantling of regional governmental organisations and limitations on the scope for regional action. This has also led to isolation of local organisations and is not resolved by sometimes limited mayoral groupings. Regional level planning linked to national objectives and national infrastructure planning but with adequate local input would provide the means. There is a case for regionally coordinated strategic planning involving local authorities. Adequate resources and financing are part of the solution.

This Duty to Cooperate has only recently been strengthened to ensure that housing need that cannot be met within the boundaries of one local authority should be met in the adjacent authority area.

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

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

The Government is frustrated that its national target of 300,000 new dwellings per year has not been achieved, and that up-to-date policy-free national household projections have not come up with the 'right' answer. The DHCLG's prevailing solution is to pick an older, higher household projection. The White Paper, and its companion consultation document, proposes complex and oddly weighted formula. Its starting point is the remarkably crude annual requirement that the annual build rate should be 0.5% of current housing stock. There is absolutely no basis for 0.5% as opposed to any other percentage. It has been chosen simply because it produces the national quantum of at least 300,000 new dwellings per year.

However, we support the principle of a standard method for establishing housing requirements and the ideas in the White Paper for moderating the numbers locally in the light of constraints and local factors such as the Green Belt.

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

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

The heart of the housing crisis is not so much an overall numerical target as a lack of the right kind of new housing, and affordable and social housing are the priority kinds. Respecting the extent of existing urban areas and not sprawling into the countryside are longstanding principles which rightly should be part of assessing the quantity of development to be accommodated.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

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

This is the core rationale for the area based proposals. Automatic outline permission removes much of the negotiating leverage of the local planning authority and thereby the democratic voice of the residents and businesses of the area. Plan-making councils already include land use allocations in their local plans, including substantial areas for residential and employment

developments and so the current system already provides the certainty sought by the White Paper's proposals for growth zones.

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

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

The proposals retain the role of planning permissions and explicitly recognise the importance of neighbour and interested party consultations. There is separate concern beyond this about the increasing amount of permitted development and the impacts (sometimes unforeseen) that this might have.

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

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

This could be supported provided that community involvement is maintained and protection of local assets is a continuing factor. A suggestion is that this is backed up by coordinated National Strategic Planning including infrastructure in tandem with Regional Strategic Planning that ensures involvement with Local Authorities.

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

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

This is a mix of good ideas, retrograde ideas and impractical ideas. Essentially, the many aspects of digitisation and electronic formats are good. The ideas about less data and standardised planning statements are retrograde in our opinion as society becomes more sophisticated and thoughtful about the wider implications of developments. Local organisations rely on detail to understand and comment on proposals – reduced information could limit community involvement. The ideas about decisions always being made within the statutory time limits are impractical unless staffing levels are restored from the greatly depleted present levels across the country.

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

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

The proposals that plans should be fully digitised and web-based following agreed web standards are welcome (but obviously not the repeated proposals for reductions in data, evidence and content). Great care is needed in how this is implemented to avoid limiting community involvement.

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

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

We fully support, from direct experience, the desire for shorter plan-making timescales. However, the White Paper says “*Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months.*” This is demonstrably not feasible; the White Paper sets out 5 stages of plan preparation, allowing a mere 12 months for the local plan to be drawn up but a full 9 months for a Planning Inspector to consider and report. This disparity between the time allowed for the Council and the time allowed for the Inspector is plainly compressing the Council’s time unrealistically. We would suggest at least 18 months for the Council to draw up the plan, and will not be surprised if principal authorities argue for longer than that. Resourcing is, again, an issue.

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

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

The Localism Act 2011 was a fundamental strengthening of community engagement and rights, taken forward with extraordinary dedication and faith through neighbourhood planning fora and Parish and Town Councils. Ministerial Statements have emphasised and reinforced the role of neighbourhood plans for local people and businesses to shape their area. It is most welcome that the White Paper envisages the continuation of neighbourhood plans, though we remain very wary about the hints of limiting their scope and the need for revision if all the proposals are implemented.

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?

The White Paper’s suggestions are welcome and endorsed. Digital tools and drawing in community design preferences would be welcome additions. However resourcing, staffing and training could be issues for Local Authorities, Parish Councils or other local bodies.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

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

We are very supportive of breaking large development allocations into smaller elements to enable a variety of schemes and builders, especially small local building firms, to advance construction and build-out. This is

providing that there are not artificial sub-divisions allowing larger developers to work around the requirement. Coordinated development would need to be assured by full masterplans.

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

~~[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly designed / There hasn't been any / Other – please specify]~~

There are high points, some has been of high quality and has received well-deserved awards from the Trust. This includes bold, modernist work by world-class architects on behalf of Durham University.

But most has been standardised 'anywhere' design, not offensive but neither beautiful nor fitting to a World Heritage Site city. Finally, some has been illiterate and ugly. This includes a proposal by the Local Authority. Development with economic implications has been approved on the unstated premise of 'stop fussing or we won't come to the North East'.

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

~~[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]~~

A huge question: given Durham City's mediaeval core street pattern, our priority would be less reliance on cars. That is a matter that the Neighbourhood Plan was excluded from addressing and instead it has chosen to set out sustainability policies which the Independent Examiner has approved with amendments. Concurrently, the County Durham Plan Examination Inspector has rightly struck out its proposals for increased provision for car-based travel here.

There is very substantial scope (and need) for improvements in local design quality incorporating full sustainability measures. The full range of sustainability is needed with no 'cherry picking'.

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

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

This by far the most enlightened and positive proposal in the White Paper. We support the Parish Council that has formally resolved to have a design guide produced as a follow-on from the Neighbourhood Plan, and welcomed the report of the Building Better, Building Beautiful Commission. Virtually every sentence of that Report should be celebrated for laying out

principles for creating a stimulating built and green environment, essential for well-being and hope for the future. Proposal 11 is fully supported. The new National Design Guide is especially useful also. If there is a concern it is that community involvement and a basis on local distinctiveness should remain foremost. Resourcing can also be an issue.

As noted Design Codes can be helpful especially in dealing with larger housing developments but their production and use declines for smaller more complex sites better tackled on an individual basis.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

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

The experience of local government confirms that having top-level champions for a topic ensures attention and delivery. The problem with implementation is the heavy reduction in Local Authority design, landscape, heritage and urban design specialists as a result of underfunding and austerity measures. This has eroded local democracy further weakened by increased national governmental centralisation using private consultancies. Ensuring adequate staffing and resourcing is a major problem. Simply slotting the duty onto a non-specialist local authority officer without adequate background experience would be counter productive.

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

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

The text supporting Proposal 13 admirably makes the right statement.

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

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

Yes and No.

Yes to the first of three proposals, that is updating the National Planning Policy Framework to make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

Yes to much of the second proposal, that is requiring that a masterplan and site specific code are agreed; but we repeat that we do not favour a system of permissions in principles through designated growth zones in plans.

No to the third proposal, that is widening the nature of permitted development so as to allow the pre-approval of popular and replicable designs; we recognise that existing classes of permitted development would be all the better if good design is made a requirement, but we would not support widening the classes of permitted development so as to include development that should be carefully considered through the planning application system but is excused this scrutiny if the design is good.

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

We suggest adding housing for the elderly

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

While simplification, certainty and avoidance of delay are desirable the Trust is uncertain of the implications of this proposal. There is thought to be high risk in County Durham of the imposition of CIL in very difficult to develop areas actually deterring development. Local decision making is essential.

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

~~[Nationally at a single rate / Nationally at an area-specific rate /~~ **Locally]**

Retaining local determination is preferred but only if there is public scrutiny of the rates or need to charge at all. Intended areas of support should be fully determined locally and would need close community scrutiny.

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

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

There has been previous concern by the Trust over disproportionate levels of CIL proposed for Durham City. None is proposed in the newly adopted Local Plan. Section 106 agreements are seen as useful and flexible. Raising funding for infrastructure ,

affordable housing and local communities is a huge multi factor problem not capable of being resolved by CIL alone.

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

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

The Trust is unsure of the implications of this proposal

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

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

Yes, if applied at all under local discretion.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

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

Yes, if applied at all under local discretion.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

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

Uncertain, but it should remain a local issue.

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

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

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

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

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

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

Yes, but only if there is adequate community consultation and scrutiny; the proposals for better community involvement might be welcome if practicable. That is if CIL is charged at all in County Durham.

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

~~{Yes /~~ **No** / ~~Not sure.~~ Please provide supporting statement.]

No, but only if there is adequate community consultation and scrutiny. Ensuring affordable housing off the back of very limited CIL revenue in County Durham is very unlikely. That is if it is charged at all. It is a problem beyond the capacity of CIL to resolve.

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?

There may implications for some sectors of society relating to greater digitisation and over reliance on computer use with good internet access.