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1. Introduction

- 1.1 Sheffield and its City Region has a wide and diverse heritage. Joined Up Heritage Sheffield aims to bring together organisations and individuals interested in heritage, in all its variety, to promote better understanding, a strategic approach and a better-resourced and better-connected presentation of heritage.
- 1.2 As a heritage campaigning organisation JUHS seeks to ensure that there are strong policies backed by clear legislation for the protection and enhancement of heritage assets, and that these policies are implemented and enforced consistently.
- 1.3 We also believe that heritage has an indispensable role in boosting the economy, sustainability, health and well-being, inclusivity, and quality of life, and that planning policy should explicitly recognise and aim to maximise this contribution.

2. Overview

- 2.1 The focus of any reform of the planning system must be on giving the public greater influence on both strategy for land use and individual decisions. This must result in pleasing and satisfactory outcomes in which they feel personally invested. Only this will bring greater trust in the system.
- 2.2 The outcomes must include sufficient homes and places for work and leisure, in an environment which is familiar and meaningful, and which promotes health and wellbeing. Whatever is done must be economically, socially and environmentally sustainable. It must also win public approval.
- 2.3 The planning system is a critical enabler for these outcomes, but it cannot deliver them unaided. No amount of reform can bring them about unless the public and private sectors are totally committed to the same outcomes, pursue them transparently, and regard public influence and approval as indispensable.
- 2.4 The credibility of the White Paper is severely undermined both by a lack of evidence and by unsubstantiated or untrue statements. The system, and Local Planning Authorities as its implementors, are blamed, but no proposals are made regarding key issues such as slow delivery of permissions already granted.
- 2.5 The chief concerns are:
 - 2.5.1 Proposals for automatic granting of permission, assumption of permission in principle, and limits on public comment on Local Plans will lead to a **reduction of public influence**, especially over the details of development schemes that are of the greatest concern to local residents.
 - 2.5.2 Protection for heritage assets is dealt with in a cursory fashion. There is no mention of non-designated assets of local importance. Along with the suggested loosening of statutory protections, this creates a clear **threat to heritage assets, both designated and non-designated**.

- 2.5.3 Of particular concern is the threat of an **undefined review of the planning framework for listed buildings and conservation areas**, despite the acknowledgement that the current regime works well. No indication is given of when this will be done or by whom, nor of any further public consultation.
- 2.5.4 Rather than insisting that planning decisions are made so as to promote beauty, a set of pre-defined design standards will govern this aesthetic judgment. An **algorithm for beauty will replace local people** in deciding which developments are good enough to build. Such algorithms have an extremely unfortunate recent history from which we need to learn.
- 2.5.5 While the well-established definition of sustainability spanning the economy, society and environment is mentioned, proposals and questions reduce this to a **narrow view of sustainability** confined to energy efficiency and green space. Building re-use, materials reduction, re-use and recycling, and conservation of mineral resources are neglected entirely. That historic buildings can contribute is mentioned, but there are no substantial proposals to achieve this.
- 2.6 The proposals are so severely deficient and defective that the best course is to abandon them entirely, in favour of a new analysis with public influence at its heart. Any new proposals must be concerned with the outcomes, and be free of any prior assumptions regarding the best way to bring these about.
- 2.7 We very strongly agree that the public must have influence and be consulted in depth right from the very start of the planning process, and that the voices of local communities and individuals must be heard at every stage, including in the final decision. The White Paper proposals will have completely the opposite effect. More policy will be set nationally, input to the strategic local plan will be severely constrained, and more final decisions will provide no opportunity for public influence at all.

3. Threat to heritage

- 3.1 Heritage is far more than something precious to be conserved where possible. It is a scarce and irreplaceable resource, with a substantial role in economic, social and environmental sustainability (see **Appendix A: Contribution of heritage**). It has a significant role to play in many of the priorities identified in the National Planning Policy Framework, including:
- Achieving sustainable development
 - Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Meeting the challenge of climate change, flooding and coastal change
 - Achieving well-designed places
 - Facilitating the sustainable use of minerals
- 3.2 Historic building re-use has great potential for reducing carbon and material use (see **Appendix B: Reduction, re-use and recycling.**)
- 3.3 Heritage is vulnerable without the protection of the planning system. The proposals provide for less scrutiny, fewer opportunities to protect heritage, and reduction in protections. They do not acknowledge the wider economic, social and environment value of heritage, nullifying an important part of the case for protection.
- 3.4 Taken together, the proposals are a significant threat to heritage, especially that which lacks statutory protection. Loss of significance, or even total loss, will become more frequent, with a consequent loss of identity; historic, aesthetic, evidential and communal value; and the substantial economic, environmental and health benefits created by the historic environment.

- 3.5 Protection of designated assets is mentioned, but no feedback is sought concerning the relevant Proposal 17. Nothing is proposed to improve protection. The only suggestions are to take some changes to Listed Buildings out of the planning decision process, and an undefined review of the planning framework for Listed Buildings and Conservation Areas at an unspecified future date by an unknown party, in which public involvement is unclear and which is unnecessary given that the current regime has “worked well”.
- 3.6 Protection of non-designated heritage assets is entirely neglected, even though these are critical to local character and identity, and make up more of the familiar and meaningful environment that people need even than Listed Buildings. Local Lists, being promoted heavily a year ago, are not mentioned.
- 3.7 Non-designated assets are especially vulnerable, as Permitted Development Rights allow for changes up to and including demolition, with no means for the public to object. The proposals will greatly worsen this vulnerability by removing even more developments from the planning decision process.
- 3.8 **Appendix C Heritage impact of the proposals** summarises the expected impact of the proposals on heritage assets.

4. Building Better, Building Beautiful Commission

- 4.1 The Building Better, Building Beautiful Commission and their January 2020 report Living with Beauty (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861832/Living_with_beauty_BBBBC_report.pdf) is mentioned twelve times.
- 4.2 The BBBBC encapsulate their findings in three exhortations. The response of the White Paper to these brief and sensible ideas is as follows:
- 4.2.1 **Ask for Beauty:** The words are quoted frequently, but the proposed system does not ask for beauty. Instead, it substitutes the idea that beauty will be defined by an algorithm that will determine whether the design code has been followed, without the need for human intervention. The BBBBC advocate design codes tailored to local preferences, but nowhere do they say this provides a guarantee of beauty or that public influence over individual schemes should be withdrawn as its price.
- 4.2.2 **Refuse Ugliness:** The aim of the proposals is to avoid the inconvenience of refusal wherever possible. Through assumed permissions, the public will be deprived of many opportunities to refuse ugliness. It is striking that these words are not quoted in the White Paper. The BBBBC notes that where a proposal is ugly, its permission is impeded by local opposition. They do not say that opposition should be thwarted.
- 4.2.3 **Promote Stewardship:** The word “stewardship” also appears frequently, but there are no substantive proposals for developers to take long-term responsibility for their developments. There is little attention to protection and enhancement; rather a drive for easy replacement and change with minimal scrutiny.
- 4.3 Many of the BBBBC’s 44 carefully qualified Policy Propositions are diluted or negated by the White Paper’s proposals to reduce public influence over individual decisions and to automate decisions. The BBBBC want to prevent conflict by keeping the public involved. The White Paper seeks to do so by keeping the public out.
- 4.4 The White Paper pays lip service at best to the BBBBC finding that “What people want is buildings that reflect the history, character and identity of their community and that belong in their surroundings” (Living with Beauty, p22). The proposed diminution of local input to decisions will constrain, not enhance, the opportunity for local people to further that aspiration.
- 4.5 The BBBBC repeatedly call for greater public involvement at every stage. “We should be offering the public a voice in planning decisions from the very beginning of the planning process” (p33). “The planning process must be both open to the broadest possible public involvement” (p34). The White Paper works directly contrary to these clearly stated principles.

5. Answers to questions

5.1 **Q1a:** What three words do you associate most with the planning system in England?

5.1.1 Protection, accountability, exploitation.

5.2 **Q2(a/b):** Do you get involved with planning decisions in your local area? If no, why not?

5.2.1 Yes. Joined Up Heritage Sheffield and many similar organisations with which it works, mainly charities run by volunteers and founded in the community, submit comments on planning applications and other public consultations where these have an impact on heritage.

5.2.2 Observation shows that where an application poses a risk or threat to something that they care about, members of the public are ready, willing and able to submit comments using various channels. These vary from handwritten notes of a few lines to well-researched and knowledgeable reports.

5.2.3 However, the Prime Minister's assertion that "Any planning application, however modest, almost inevitably attracts objections" is palpably false. For example, only half of the 114 major applications in Sheffield in 2019 received comments, just 8 were subsequently refused or withdrawn, and only one had an appeal allowed. This is hardly evidence for public comment being a brake on development.

5.3 **Q3:** 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?

5.3.1 We dispute that the proposals will make it easier to contribute views to planning decisions. On the contrary, many individual decisions would be made without any opportunity for public influence.

5.3.2 Volunteers working for heritage organisations are able to be notified automatically by email, and to access plans online. This works well.

5.3.3 It is hard to imagine the comments about notices on lamp posts, mentioned three times in the White Paper, being made by anyone familiar with the planning process. Effective digital engagement has been commonplace for at least a decade, for those with internet access. For many, though, such notices, press advertisements or leaflets through the door are and will remain the most practical way to be informed.

5.3.4 Relying on digital channels would be exclusionary. Analysis of Ofcom data from 2018 shows that 15% of the population were "offline", and still more were very limited in their internet use. The disadvantage was found especially in vulnerable groups such as those in deprived areas, the urban poor and those who left education early are in lower skilled work. See <https://www.goodthingsfoundation.org/news-and-blogs/blog/new-analysis-ofcom-2020-data>.

5.3.5 People in the Midlands, North East, North West, Yorkshire and the Humber are particularly disempowered. 11.4 million people in these regions are either offline (3.6m) or use the internet in a very limited way (7.8m). Only 18% of people in the North East can use the internet to its full potential compared to 49% in the South East. See <https://www.goodthingsfoundation.org/news-and-blogs/news/36-million-north-face-%E2%80%98locked-down-locked-out%E2%80%99-digital-double-whammy>.

5.3.6 More recent ONS data shows that 96% of households in Great Britain have internet access, leaving over a million which do not, including 20% of households consisting of a single person aged 65. Even taking the optimistic view that everyone with internet access is able to make full use of it, that is far from inclusive. The research cited above found a large proportion were unlikely to go beyond limited use. See <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2020>.

5.4 **Q4:** What are your top three priorities for planning in your local area?

- 5.4.1 Protection of existing heritage buildings or areas.
- 5.4.2 The environment, biodiversity and action on climate change. Heritage has a significant contribution to make to carbon and materials reduction, see **Appendix B**.
- 5.4.3 Promoting health and well-being. Heritage has a significant contribution to make.

5.5 **Q5:** Do you agree that Local Plans should be simplified in line with our proposals?

- 5.5.1 No. In both Growth and Renewal areas there will be assumptions of permission established at five year intervals with heavily curtailed public input. Proposals which prove to be unacceptable in detail, or in the light of new information, will benefit from an assumption that they will go ahead.
- 5.5.2 The scope of Protected areas is described in a very limited fashion, ignoring non-designated heritage assets. Defining and protecting the settings even of designated assets will be prohibitively complex.
- 5.5.3 The prohibition on local policies which duplicate national policies is especially damaging. This prevents local people from asking for and receiving greater emphasis on things that matter to them.
- 5.5.4 Insisting that policies be machine-readable and that developments are screened automatically is decision by algorithm. This is not acceptable where the outcome can affect people's lives fundamentally. Such algorithms have an extremely unfortunate recent history from which we need to learn.

5.6 **Q6:** Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

- 5.6.1 No. The proposals will centralise much strategy and many decisions, removing local influence and accountability.
- 5.6.2 The prohibition on local policies which duplicate national policies is especially damaging. This prevents local people from asking for and receiving greater emphasis on things that matter to them.
- 5.6.3 It is telling that although the proposals heavily promote the idea that engagement can be moved online, the images used in support are of people looking at printed display boards and physical material samples. Hands-on, in-person engagement is depicted, when remote, screen-based, impersonal engagement is proposed.

5.7 **Q7(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?

- 5.7.1 No. Although the elements of sustainability laid down in the National Planning Policy Framework (economic, social, environmental) are mentioned once, only the environmental aspect is referred to in any detail, and that is confined to energy efficiency and green space. Unless plans are held to all aspects of sustainability, this cannot be supported.
- 5.7.2 Plans should additionally be required to recognise the role of heritage explicitly and other factors in each aspect of sustainability, and show how its contribution will be maximised.

5.8 **Q7(b):** How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

- 5.8.1 The question shows that if the Duty to Cooperate does not exist, there has to be something that does the same thing. This suggests that the Duty to Cooperate is needed. The failure to propose any alternative implies that there is none, as any alternative would resemble the *status quo*.

- 5.9 **Q8(a):** Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?
- 5.9.1 Neutral. Any such model would require a wide variety of parameters to reflect local constraints. The risk is that in the drive to simplification, local conditions will be airbrushed out.
- 5.10 **Q8(b):** Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?
- 5.10.1 No. This appears to favour further concentration of homes into areas that are already expensive owing to a shortage of land.
- 5.10.2 Instead, the focus should be on making all areas equally desirable by capitalising on their unique and distinctive character, conserving their built and landscape heritage, and repairing physical, economic and social damage.
- 5.11 **Q9(a):** Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?
- 5.11.1 No. Every development and every location is different. All proposals beyond the most trivial must be subject to public scrutiny and influence and capable of being modified or halted by local people at the time at which details become known.
- 5.11.2 Developments which meet pre-defined local standards and which have eliminated or mitigated heritage, environmental and other impacts in an acceptable way will quickly obtain permission because there will be little or no local objection and few outstanding matters to resolve. That is how developers can achieve certainty, and is the only incentive required.
- 5.11.3 The motivation for the changes is stated repeatedly to be a shortage of housing, but the proposals also appear to loosen controls over commercial and industrial development. Strict and enforceable use designations will be required, and especial consideration given to the impact on heritage assets, given that non-housing developments are far less likely to re-use or accommodate these.
- 5.12 **Q9(b):** Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?
- 5.12.1 No. See answers to Q9(a)
- 5.13 **Q9(c):** Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
- 5.13.1 No. The fundamental choices given to local people should be whether to have development, what development must conserve, and what it must deliver. The first of these would be at significant risk of being overridden.
- 5.14 **Q10:** Do you agree with our proposals to make decision-making faster and more certain?
- 5.14.1 No. The suggestion that applications not decided within a time limit should be deemed granted is especially pernicious. Inappropriate developments will be foisted on communities as a result. This is a punishment handed out to the local community for perceived failings by the Local Planning Authority.
- 5.14.2 Standardisation of supporting documentation can be helpful. This has already been achieved to a great extent and could be improved further by a minor change to Planning Practice Guidance.
- 5.14.3 There is a benefit in being able to relate application details to common digital information, so long as this can be done inclusively.
- 5.14.4 Every development site is different, and site-specific information will always be required. It is not possible for the strategic plan to capture all relevant information, especially for heritage matters which are sensitive to context and interpretation and are often informed by new research. Arbitrary limits will lead to bad decisions.

- 5.14.5 The opportunity for local public influence over decisions at the time they are made is absolutely critical. As the BBBBC point out, “Granting of permissions decided locally allows a voice to the many interests involved” (p9).
- 5.14.6 When developers overwhelm officers and commentators with large volumes of irrelevant information, this leads to delay and requests for information that is present, but buried. These in themselves provide an incentive to be brief. Targets for determination that are proportional to the volume of information submitted, backed by minimum standards for information, would be fair, ensure that more complex applications are properly considered, and provide further incentive.
- 5.14.7 Applicants often quote planning policy selectively, and some have been known to misrepresent it, to attempt reinterpretation using irrelevant case law, or give convoluted logical or arithmetical arguments in an attempt to circumvent it. Local Planning Authorities could usefully maintain a list of policies which they expect a Planning Statement to address, and of arguments that have previously been used and rejected. It would be open to applicants and the public to suggest changes to these lists.
- 5.15 **Q11:** Do you agree with our proposals for accessible, web-based Local Plans?
- 5.15.1 As noted above (see Question 3), the proposals would be exclusionary. Those disproportionately affected would be older and less affluent residents, and there is great geographical disparity. If the system can be made fully inclusive, there is a benefit in information being better integrated.
- 5.15.2 Experience shows that even digital maps can quickly become illegible as they seek to link more and more data, requiring users to have detailed knowledge of the layers. Anything more complex than can be expressed on a paper map is likely to be unmanageable on a screen for any but the experienced and well-equipped. For an example, see <https://magic.defra.gov.uk/MagicMap.aspx>.
- 5.16 **Q12:** Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?
- 5.16.1 No. In particular, the proposal that the public are given only six weeks – only twice the time currently allowed to respond to a single application – in which to read and understand the entire plan, become familiar with supporting data, conduct their own research and where appropriate consult with others in their community, and then are subject to an arbitrary word limit can only result in public input being stifled. By contrast, a professional and well-resourced Planning Inspectorate will have a full nine months in which to assess the plan against what is supposed to be a much simplified test.
- 5.16.2 There would be benefit in more frequent or rolling review. Any slowness in identifying development sites is down to once-in-a-generation planning rather than how land is assessed. It is already possible for new sites to be identified outside of the plan-making cycle.
- 5.16.3 No matter how frequently or quickly the plan is reviewed, it cannot bring additional land into existence where there is a shortage. This is the central issue to which the White Paper proposes no solution.
- 5.17 **Q13(a/b):** Do you agree that Neighbourhood Plans should be retained in the reformed planning system? 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?
- 5.17.1 Neutral. Any means by which the people whom development affects can have influence over it is to be welcomed. Such means must be inclusive, and must be reflected in actual rather than token change.
- 5.17.2 For Neighbourhood Plans to be effective, they must be a factor in individual decisions. Assumptions of permission or extensive Permitted Development Rights will override this and make the local preferences expressed through Neighbourhood Plans ineffective and meaningless.
- 5.18 **Q14:** Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?
- 5.18.1 *No response.*

5.19 **Q15:** What do you think about the design of new development that has happened recently in your area?

- 5.19.1 There have been examples of good design and beauty, of poor design and ugliness, and of buildings for which it is too early to judge. The question is simplistic.
- 5.19.2 Conversions of office buildings to residential under Permitted Development Rights have often resulted in tiny, single-aspect apartments lacking social space. These are set to become the slums of the future. Removing local scrutiny for individual decisions, as proposed, already results directly in poor design.
- 5.19.3 Some conversions involve changes to an existing façade, or upward extension, which are frequently inappropriate. These may be harmful to Conservation Areas, the settings of Listed Buildings, or to non-designated heritage assets. Although these are at present subject to planning permission, the pressure to provide homes regardless of cost or quality make improvements difficult to obtain. If such changes become Permitted Development, harm becomes inevitable.

5.20 **Q16:** Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

- 5.20.1 Carbon and materials reduction. These are best served by prioritising building re-use, and the reduction, re-use and recycling of materials.
- 5.20.2 Sustainability should not be confined to a narrow environmental definition based only on energy efficiency and green space. The NPPF defines sustainability in terms of the economy, society and the environment, and this should by now be common ground in all planning considerations.
- 5.20.3 Built heritage can quickly be retrofitted for energy efficiency while delivering up-front savings in the carbon cost of new materials and in the use of mineral resources. See **Appendix B** for more detail.

5.21 **Q17:** Do you agree with our proposals for improving the production and use of design guides and codes?

- 5.21.1 The vagueness of the proposals make them difficult to approve or disapprove.
- 5.21.2 In principle, local characteristics and sentiment (especially regarding heritage) should certainly inform scheme design and subsequent planning permission. This is of very limited use unless each individual scheme is subject to a decision process that is influenced by the public. The public should be the arbiters of whether a scheme is truly implementing the design principles that they have decided upon.
- 5.21.3 The proposals militate strongly against design innovation. Adopting any standard simply because it is already “popular” is likely to stifle new ideas. Designs should be popular in the sense that they are good enough to earn local popular approval. There must be a simple, low-cost process for new designs to be proposed and added to local codes.
- 5.21.4 It must also be possible to create buildings of exceptional design. This is how designs that are considered pleasing or effective now must once have come into being. Park Hill in Sheffield, used positively as an illustration in the White Paper, is Europe’s largest Listed Building, but opinion is divided as to its beauty. Its innovative appearance and layout would be unlikely to have fallen within the narrow criterion of “provably popular”.
- 5.21.5 It must also be possible to refuse designs which technically meet the design code but are inappropriate or unpleasing. This is especially the case where a heritage asset or its setting is affected. It is not simply a matter of requiring all such schemes to mimic the characteristic style. Each case will be different. Novelty and contrast may sometimes be appropriate, depending on the context, and should be neither outlawed nor encouraged.
- 5.21.6 Buildings considered beautiful in an earlier age may be condemned in a later one: witness the treatment of much great Victorian architecture during post-war rebuilding. The reverse is also true: much architecture of the 1960s popularly derided since its construction is now finding a new appreciation. Any attempt to codify beauty will only deprive future generations of the heritage they might have had.

- 5.22 **Q18:** 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?
- 5.22.1 The vagueness of the proposals make them difficult to approve or disapprove.
- 5.22.2 There is no clear model for this body, its remit, operation or accountability. It appears to centralise, rather than localise, design considerations, further reducing local influence.
- 5.22.3 There are no new resources proposed for local chief officers for design and place-making. Instead, it is assumed that resources will be diverted from decision-making. This poses a clear risk to the quality of decisions.
- 5.23 **Q19:** Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
- 5.23.1 *No response.*
- 5.24 **Q20:** Do you agree with our proposals for implementing a fast-track for beauty?
- 5.24.1 No. In their proposals, the BBBBC make it clear that they expect there still to be a detailed planning application in all cases. They see a role for Permitted Development Rights, but propose that the principle of PDR be modified so that approval is required, but achieved more quickly. By contrast, the White Paper proposes changes that will give some schemes automatic permission, and increase the already very wide scope of Permitted Development Rights without making them subject to public scrutiny and approval.
- 5.24.2 Given that the BBBBC found that "opportunistic developers can abuse permitted development rights to produce accommodation of the lowest quality to house those with no alternative", it is astonishing that PDRs are proposed to be extended, and that applying standards, an absolutely firm recommendation of the BBBBC, is barely mentioned and appears to apply only to upward extension and total rebuilding.
- 5.24.3 For heritage assets in particular, context is everything. The White Paper proposes approval based on limited considerations such as materials. Material use in the historic environment is one of the easiest things to include in a design code. Local policy in Sheffield already gives strong guidance concerning the use of materials in a historic context, which is echoed in the National Design Guide. Whether those materials or standards of proportion and layout have been used in a manner appropriate to the context can only be judged for each case individually, and must be subject to public scrutiny.
- 5.24.4 On its own, the BBBBC fast-track for beauty would be controversial, and require very careful, resource-intensive management. They emphasise that their aim "is not to abolish the network of planning constraints, but to ... keep all the precious safeguards in place" (p24). Even without the White Paper changes, a "fast-track" risks inappropriate schemes being nodded through simply because they meet pre-defined and generic criteria. In combination with those changes, with which it was never intended to co-exist, it is a recipe for insensitive, identikit design, with a veneer of historicism.
- 5.24.5 Both the White Paper and the BBBBC make much of incentivising beauty. If policies are clear and founded in public approval, well-designed and pleasing schemes will garner local public support, and that will expedite positive decisions. Schemes of poor, unpleasing design will breach policy, meet with opposition, and, on the BBBBC's own principle of refusing ugliness, will fail. The incentive for good design is clear, and will operate efficiently without the automation of a beauty algorithm.
- 5.25 **Q21:** 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]
- 5.25.1 Design of new buildings. Good design for buildings or extensions that affect a heritage asset or its setting is not confined to an appropriate visual appearance. To be well-designed, such buildings must seek to maximise the economic and social benefits of the historic environment into which they are inserted, by ensuring that it remains attractive to residents, businesses, visitors and investors, improves health and wellbeing, and contributes to sense of place not only through how it looks but how it functions.

- 5.26 **Q22(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?
- 5.26.1 *No response.*
- 5.27 **Q22(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]
- 5.27.1 *No response.*
- 5.28 **Q22(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.]
- 5.28.1 *No response.*
- 5.29 **Q23:** Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
- 5.29.1 Yes. The lack of oversight of changes under Permitted Development Rights means that they can be damaging to the historic environment and reduce sustainability. It is only reasonable that developers be required to make similar contributions as they would for controlled building.
- 5.30 **Q24(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?
- 5.30.1 *No response.*
- 5.31 **Q24(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?
- 5.31.1 *No response.*
- 5.32 **Q24(c):** If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [e.g. Essential, democratic, abused]
- 5.32.1 *No response.*
- 5.33 **Q24(d):** If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?
- 5.33.1 *No response.*
- 5.34 **Q25:** Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
- 5.34.1 Yes. The historic environment should be considered as infrastructure in exactly the same way as open space. Both create the sense of place that underpins economic and social vitality, and both are essential to health and well-being. The definition of infrastructure should include conservation of the historic environment.
- 5.35 **Q25(a):** If yes, should an affordable housing 'ring-fence' be developed?
- 5.35.1 *No response.*
- 5.36 **Q26:** 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?
- 5.36.1 The history of women, BAME people, LGBTQ+ people, people with disabilities and others whose characteristics require protection is under-reported and the associated heritage is frequently unrecognised.

- 5.36.2 It is likely that many of the heritage assets that record these histories are not yet identified or designated. The proposals contain multiple risks and threats to heritage, especially to non-designated heritage assets. It is likely that these threats will apply disproportionately to people whose history has been undervalued and largely unresearched in the past.
- 5.36.3 Important aspects of the histories of particular groups are often concentrated in specific local areas with traditions of migration or activism. This can further reduce the visibility of their national importance, resulting in fewer designations, exacerbating the risks from the lack of consideration of non-designated local heritage and the proposed erosion of knowledgeable local input.
- 5.36.4 The lack of recognition of or attention to such heritage also means that where it does survive, it is likely to be more fragile and fragmentary, so particularly vulnerable to insensitive proposals made using high-level or generic specifications.
- 5.36.5 It is not even certain what physical forms that heritage may take. There is a significant risk that assets of particular kinds will be assumed not to be capable of being heritage, so may be condemned by broad-brush categorisation without being considered at all. The widest possible public scrutiny and engagement, local and national, is necessary to ensure that this heritage is identified wherever it exists.

Appendix A: Contribution of heritage

- A.1 Heritage contributes GVA of £31bn to the national economy, and supports 464,000 jobs, from a combination of direct, indirect and induced effects. For this and other evidence, see <https://historicengland.org.uk/research/heritage-counts/heritage-and-economy/>.
- A.2 The most visible economic role of heritage is in providing attractions for the visitor economy. Heritage attractions also increase cultural engagement through visits (so long as they are made affordable and accessible) and volunteering (which brings inclusion and mental health benefits).
- A.3 Beyond these important but limited purposes, heritage has other significant roles. Historic areas and buildings attract all business types, influence location and are perceived as improving performance.
- A.4 They are particularly attractive to businesses in the creative and cultural sectors, with a high proportion of start-ups. Research shows that a combination of a spread of different types of creativity in an area drives economic development. The historic environment is peculiarly well-suited to innovation and enterprise.
- A.5 Heritage assets also attract highly-educated people to an area, with implications for fostering innovation and transferring skills and knowledge.
- A.6 Independent retail and hospitality sectors are the largest occupiers of listed buildings, although the balance is changing as larger chains begin to understand the value of trading in a historic environment.
- A.7 Historic areas and buildings command higher sale prices and rents, and Conservation Areas are attractive as places to live and a source of pride for their residents. Historic buildings are perceived as better-built and longer-lasting, creating a character of permanence and quality. It is important that the Plan sees the historic environment (built and green) as an asset of irreplaceable value, beyond that of the land that it occupies.
- A.8 The historic environment has its own economy of construction and conservation, generating GVA of over £7bn in construction activities nationally, and supporting the employment of 100,000 construction workers and 30,000 professionals. This provides a platform for innovation in construction, energy efficiency retrofitting, and technical skills development.
- A.9 Heritage has an important role to play in carbon reduction and conservation of mineral assets. These are explored more fully in **Appendix B Reduction, re-use and recycling**.
- A.10 Above all, the historic environment makes a positive contribution to health and wellbeing. It promotes social cohesion through sense of place and cultural links to the past, contributing to a familiar and meaningful environment that provides a sense of security. This will be essential as we struggle to find our feet amongst the economic and social fallout of a global pandemic.

Appendix B: Reduction, re-use and recycling

- B.1 The re-use and retrofitting of historic buildings can bring a carbon advantage. Historic England research (<https://historicengland.org.uk/research/heritage-counts/2019-carbon-in-built-environment/>) shows that retrofitting Victorian terrace houses for energy efficiency saves carbon over sixty years (the RICS-recommended reference period, after which a major intervention such as refurbishment may be required) versus new building, once the considerable carbon cost of demolition and rebuilding is taken into account.
- B.2 Retrofitting has the further advantage of deferring the large up-front carbon cost of new build, and being far more quickly achievable for very large numbers of energy-inefficient homes than replacement.
- B.3 According to BREEAM (<https://www.breeam.com/BREEAMUK2014SchemeDocument/>, Section 9, Category Mat 06), the construction industry accounts for approximately 55% of the total annual materials consumption, and 55% of global industrial carbon emissions come from the manufacture and processing of five stock materials (steel, cement, paper, plastic and aluminium).
- B.4 Re-using and retrofitting requires a significantly lower use of new materials, facilitating the sustainable use of minerals as well as reducing the carbon emissions entailed in their production. Optimising the use of buildings and construction materials is a key resource efficiency goal for any sustainability strategy.
- B.5 The University of Sheffield has recently published its “Regenerate” tool (<https://www.sheffield.ac.uk/civil/news/regenerate-tool-encourages-construction-designers-engage-circular-economy>), which encourages the renovation and repurposing of existing buildings ahead of demolition, and the design of adaptable, deconstructable buildings using existing resources and materials.
- B.6 The tool incorporates the Greater London Authority's Circular Economy Statement Guidance, assisting designers in providing evidence required for the London Plan Circular Economy Statement (London Plan Policy S17). The University of Sheffield has recognised the value of circular economic principles by announcing that it plans to use the tool in all building projects over £2m.
- B.7 Local and national development plans can only achieve credible carbon reduction goals by incorporating circular economy principles, and obliging all developers to consider the full carbon and material cost of their projects.
- B.8 There are also great opportunities to develop and market technical solutions for material re-use and recycling, and retrofitting for energy efficiency. Along with renewables and energy-efficient construction, this amounts to a complete carbon-reduction package that will be far more attractive to external markets.

Appendix C Heritage impact of the proposals

Proposal	Heritage impact
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.	<p>Threats:</p> <ul style="list-style-type: none"> • Reduction in public influence on individual schemes • Overwhelming complexity of protecting all heritage assets and their settings • Low probability of all heritage impacts being identified • Protection unlikely for non-designated assets • Heritage of newly-discovered value at risk until plan review
2: Development management policies established at national scale and an altered role for Local Plans.	<p>Threats:</p> <ul style="list-style-type: none"> • Reduction in public influence on individual schemes • Levelling-down of the value placed on heritage • Automatic screening will not reflect local value
3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.	<p>Potential benefit:</p> <ul style="list-style-type: none"> • If and only if sustainability spans economy, society and environment, and plans must acknowledge heritage contribution to these
4: A standard method for establishing housing requirement figures...	<p>Potential threat:</p> <ul style="list-style-type: none"> • If housing requirement requires additional building in already dense areas, heritage and other existing buildings will come under pressure
5: Automatic outline permission in Growth areas; automatic approvals for pre-established development types in other areas suitable for building.	<p>Threats:</p> <ul style="list-style-type: none"> • Reduction in public influence on individual schemes • No scrutiny of heritage impact
6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.	<p>Potential benefit:</p> <ul style="list-style-type: none"> • If policies offer sufficient protection, greater certainty can be positive <p>Potential threat:</p> <ul style="list-style-type: none"> • Hasty decisions may result in detailed information not being considered or made available in time • Limits on application materials will constrain heritage assessments necessary for good decisions
7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.	<p>Potential benefit:</p> <ul style="list-style-type: none"> • Better public access to clearer information, including reliable identification of heritage assets • Of no use if the public cannot use this information to influence individual decisions <p>Threats:</p> <ul style="list-style-type: none"> • Unlikely to identify non-designated assets • Unlikely to be able to define the settings of assets • Sidelining local knowledge and recent information
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.	<p>Potential benefit:</p> <ul style="list-style-type: none"> • In principle, a predictable timetable and more frequent review make the plan more responsive <p>Threats:</p> <ul style="list-style-type: none"> • Proposed timetable gives very little time for public consultation • Proposed word limit stifles debate and knowledgeable public contributions • Risk of relevant information or desirable changes being lost owing to lack of time

Proposal	Heritage impact
9: Neighbourhood Plans retained, better use of digital tools.	Unknown: depends on scope of the plan and neighbourhood attitude to heritage
10: A stronger emphasis on build out.	Unknown: no substantive 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.	<p>Potential benefit:</p> <ul style="list-style-type: none"> If and only if design codes may specify appropriate responses to heritage assets <p>Threats:</p> <ul style="list-style-type: none"> Impossibility of devising a design code for every heritage context, as every building and its setting is unique Reduction in public influence on individual schemes, owing to assumption that code-compliance defines appropriate design
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.	<p>Potential benefit:</p> <ul style="list-style-type: none"> Developers have access to a knowledgeable resource who can educate them in local preferences <p>Potential threat:</p> <ul style="list-style-type: none"> Deprecation of heritage assets that do not align with current popular taste Stifling of imaginative responses
13: Homes England's strategic objectives to give greater emphasis to delivering beautiful places.	Unknown: no substantive proposal
14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.	<p>Threats:</p> <ul style="list-style-type: none"> Reducing beauty to an algorithm increases the likelihood of inappropriate schemes being unchallenged Hasty decisions may result in detailed information not being considered or made available in time Reduction in public influence on individual schemes
15: Target areas to maximise environmental benefits.	Unknown: no substantive proposal
16: Quicker, simpler environmental impact assessment.	Neutral
Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.	<p>Threats:</p> <ul style="list-style-type: none"> Proposal to weaken existing protections No acknowledgement of non-designated assets No mention of Local Lists
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.	<p>Potential threat:</p> <ul style="list-style-type: none"> Failure to consider the excess carbon and materials impact of demolition and new build will disfavour existing buildings
19: Community Infrastructure Levy reformed.	Neutral
20: Scope of the Infrastructure Levy extended.	Neutral
21: Infrastructure Levy affordable housing provision.	Neutral
22: More freedom to spend Infrastructure Levy.	Neutral
23: Skills strategy for the planning sector to support the implementation of our reforms.	<p>Potential threat:</p> <ul style="list-style-type: none"> Transfer of skilled staff to other roles will mean less thorough and expert scrutiny of individual schemes
24: We will seek to strengthen enforcement powers and sanctions	<p>Benefit:</p> <ul style="list-style-type: none"> Sanctions provide an incentive to comply with heritage protection policies

*J Robin Hughes
20th October 2020*