

Royal Institute of British Architects

Response to the call for written evidence: Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms
October 2023

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

RIBA welcomes the opportunity to respond to this consultation on the implementation of reforms to plan-making, as part of the Levelling Up and Regeneration Bill. We are pleased that the Government is seeking views on how to make plan-making simpler, faster, and more accessible.

We have long raised concerns that many elements of the plan-making process are inaccessible and lengthy, precluding meaningful community engagement and increasing opposition to necessary development. To inform our response, we held a roundtable with RIBA members in September 2023 as well as providing an online form for members to record their responses.

RIBA recommends that the Government should:

- Provide comprehensive resource to local planning authorities to better facilitate high-quality, timely local plan-making.
- Encourage the involvement of architects in the consultation stages of local plan-making, to ensure high-quality, inclusive design outcomes are delivered in accordance with community aspirations.
- Commit to a pilot scheme of the proposed 30-month time frame, incorporating expert oversight, to ascertain feasibility and mitigate concerns in the quality of the resulting plan.
- Support the proposed use of templates, provided that the purpose is to increase consistency and inclusivity, while allowing flexibility to respond to local need and variation.
- Ensure that changes to the plan-making process support increased focus on issues specific to the local area, rather than replicating national policy.
- Require that local plan templates should include information on how to facilitate meaningful community engagement to meet diverse needs and accessibility requirements.

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

We broadly agree with the core principles outlined.

Members raised that at present, and as the consultation states, local plans are too lengthy – resulting in poor accessibility and excessively long timelines for approval and implementation. Most members agreed that a key principle of reforms to local plan-making should mean that information set out in national policies is not unnecessarily repeated and duplicated on the local level.

In terms of development, it is sensible that local plans will be required to set out the local planning authority’s policies for the “amount, type and location of, and timetable for, development” in the area covered by the plan. This is a positive step to ensure accountability and provide certainty with regards to knowing where and when new development will be brought forward.

We are pleased to see the consultation confirms that proposals will make it clear in policy that sustainable development should be “run as a golden thread” through plans. The emphasis on growth being supported by required infrastructure, as is encouraged in sustainable approaches to development, is crucial to ensure best practice in placemaking and good community outcomes.

We agree that plans should “contain ambitious locally distinctive policies which meet key economic, social, and environmental objectives.” However, members raised that sustainability should be embedded throughout the fabric of a local plan, instead of being treated as a bolt-on or additional consideration.

The consultation also suggests that a core principle should make effort to “foster beautiful places and recognise the importance of design.” While this aim is not problematic in itself, we reiterate the concerns we raised in our response to the March 2023 consultation on reforms to the National Planning Policy Framework.¹ We encourage the Government to incorporate beauty into a broader definition, which facilitates high-quality, inclusive and accessible design that works for both communities and the wider environment.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Members agreed that a vision was integral to ensuring that a local plan has clear objectives. As suggested in the consultation, objectives should outline the desired future for the area, including social, economic, and environmental goals.

However, the vision should be too prescriptive, especially with regards to more subjective elements of placemaking, such as beauty and design. Any vision contained in a plan should not stifle creativity and the flexibility to adapt to the changing environment and local need.

Further, some members raised that local plans should have the ability within their vision to deviate from the national standard where applicable and appropriate. Suggested rationales for this include where local planning authorities (LPAs) are already going further and faster than national policies in terms of sustainability measures, or where there are particular concerns related to density or incorporating special designations such as areas of natural beauty (AONBs).

Question 3: Do you agree with the proposed framework for local development management policies?

Yes.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

Members shared a number of considerations on the use of templates. Broadly, members agreed that there were several benefits that templates could offer, including standardising the information included in local plans, which would allow local authorities to take a more consistent approach. The guidance included in the National Model Design Code was raised as an example of a template that provides certainty without sacrificing necessary flexibility.

However, concerns were also raised that should templates not provide this balance, the result would suppress creative approaches and inhibit taking full advantage of design expertise in the planning process. Some members felt that the introduction of a template could disincentivise ambitious approaches to design if it was too prescriptive. This could also have accessibility implications if creative access solutions are less easily facilitated.

As such, we welcome the introduction of templates in the preparation of local plans on the condition that they focus on providing consistency to the plan-making process. They should allow the flexibility to respond to local need and variation, including the autonomy to make decisions about best practice in terms of design in collaboration with qualified designers, including architects.

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

We are in theory supportive of a 30-month timescale to prepare and adopt local plans, provided that the Government ensures that sufficient resources are made available for their preparation. However, we are concerned that at present, such resources will not be available for this requirement

to be met. Local authority spending power has fallen by 16% between 2010 and 2020ⁱⁱ, having a clear knock-on impact on the ability of local authorities to deliver core services.

Planning services experienced a more severe cut than many other local authority services – evidence suggests that councils across England disproportionately cut “housing, cultural and planning services”ⁱⁱⁱ in comparison to cuts to other departments. As such, providing additional resource is clearly an overarching priority for planning departments to have adequate capacity to be able to prepare and adopt local plans in line with the suggested 30-month timeframe.

Members raised concerns that if significant improvements to both the available skills and capacity in the planning system do not become available, trying to reach a 30-month timescale will have negative impacts on the quality of the local plan itself as well as the implementation process. This could have ramifications in a number of key areas, including the scope and breadth of stakeholder engagement, as well as sustainability implications.

As such, we strongly recommend that the Government commits to comprehensively resourcing LPAs, particularly with qualified design expertise. This will ensure that we are able to build a system which focuses on proactive planning which is fit for both now and the future, without compromising quality in any area.

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Yes.

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

While we agree that there is a role for digitalisation in plan preparation, we are concerned that there are elements of digitalising the plan-making process which may create further barriers for comprehensive stakeholder engagement. In particular, we are concerned that the expansion of digitalisation as outlined will be at the expense of other forms of consultation.

As the consultation states, the current lack of clear guidance, static approach and the relative lack of communicative channels available during the plan-making process can be prohibitive to stakeholders engaging with and understanding local plans. This can lead to increased opposition to necessary development, as development feels as though it is being undertaken without adequate understanding of local context and challenges. We agree that these issues should be resolved, and understand as outlined in Figure 2 that these steps are meant to make significant progress towards making the proposed 30-month timeline realistic.

We have previously stated that the expansion of the use of public participation mechanisms such as digital tools would make it easier for residents and other stakeholders to visualise and contextualise the implications of a proposed development. Any visual material used to help communities interrogate proposals and make informed decisions must be different from, and more detailed than, standard marketing material. Design materials – including virtual reality and augmented reality – must be specifically designed to enable community engagement.

However, it is vital that public consultation is not confined to the digital realm, and that a broad range of engagement approaches are utilised to allow local plans to reflect the views of all residents, not just those who put themselves forward to be heard. This includes ensuring that measures are undertaken which consider increasing participation for disabled and marginalised stakeholders, alongside others who are traditionally underrepresented in the consultation process.

It is crucial to ensure that the proposed move to increased digitalisation in the plan-making process does not disadvantage any stakeholder groups. As such, we recommend that the Government requires local plan templates to include information on how to facilitate meaningful community engagement to meet diverse needs and levels of accessibility. This information should be collated and agreed with expert input.

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

No.

Our members raised concerns around the proposals of speeding up plan examinations. While recognising that at present, the plan-making process is too lengthy and beset with potentially avoidable delays, this must also be balanced with ensuring that evidence requirements are stringent.

Members noted that it can take a significant amount of time for a plan to go through thorough testing. Some members felt that encouraging speed may have the adverse effect of reducing the quality of assessments in areas such as sustainability and environmental outcomes. We would welcome further information on how high standards of quality would be guaranteed.

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Yes.

As outlined in the consultation document, requiring the Project Initiation Document to outline “the approaches to be used (including the use of digital engagement tools), what early engagement is planned, and the resources and skills required to deliver this” would be a positive step.

We are pleased to see that a suggested inclusion for the Project Initiation Document is “how a planning authority intends to connect with groups who have had traditionally low levels of engagement.” As outlined in our response to Question 9, this is a vital step to ensure meaningful consultation.

However, the proposed approach does place a great deal of emphasis on the suggested increase of digital approaches to plan-making. As we have articulated, while this does have a clear role, it is imperative that approaches to engagement as outlined in Project Initiation Documents do not focus on digitalisation to the detriment of other inclusive and varied participatory approaches.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30-month process?

Yes.

To ensure maximum engagement and ensure that stakeholders are given meaningful opportunity to feed into the plan-making way in a considered and informed way, we support the requirement to notify prior to the commencement of the 30-month process.

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Yes.

When discussing community engagement, on the whole members agreed that the earlier that participation could be embedded in the plan preparation process, the better. Members relayed that early involvement allowed for more meaningful involvement in the process, including improved understanding of the scope and rationale of proposals.

Earlier involvement in the local plan-making process can also reduce local opposition to necessary development further down the line. Members outlined instances of consultation with stakeholders where they were able to explain the rationale for development early in the engagement process. While it was stressed that this did not in every instance result in stakeholders supporting proposed development, it did allow the provision of discursive environments where significant concerns could be considered or allayed.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Yes.

It is likely that this proposal would create more accountability during the plan-making process should the engagement and participation, in practice, fall below an expected standard or not meet the commitment set out in the Project Initiation Document.

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

No.

While we agree with the aim to ensure representations are analysed efficiently and comprehensively, we are concerned that the consultation suggests that representations during the second phase of the consultation should be made via standardised templates.

Meaningful stakeholder engagement must take into account the barriers that different people and groups face when participating in the plan-making process. By choosing standardised, written approaches, the proposal does not consider accessibility barriers for some groups of disabled stakeholders.

While it is important to consider time pressures, especially given the proposed shortening of the plan-making timeline, this should not be at the expense of accessible and inclusive participatory engagement. Members raised that traditional engagement mechanisms have often led to stakeholders who have increased resources in terms of time, inclination and prior knowledge to engage in the plan-making process. All efforts must be taken to ensure that the representations made on behalf of communities incorporate diverse views, rather than privileging particular groups of stakeholders. To prioritise genuinely accessible stakeholder engagement, the Government must look to facilitate participation in a variety of ways. This could include drawing on existing best practice in terms of accessible and inclusive participatory engagement approaches, and should include input from experts in facilitating inclusive stakeholder participation.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

No.

While we welcome the emphasis on monitoring to ensure that the plan is performing and any impact on the local environment, we are concerned at omissions from the metrics suggested. For example, while it is positive that net additional dwellings will be monitored, as will new affordable homes, there is no mention of monitoring quality. One way of monitoring quality could be through Post Occupancy Evaluation (POE), which is the process of obtaining feedback on a building's performance in use after it has been built and occupied. This allows information to be collected on

building and energy use and user satisfaction and informs building users if their building is energy efficient and reveals if it is being used as intended.

POE provides invaluable feedback and lessons learnt that all involved can take forward into their organisations and to their next projects. This ‘closes the loop’ that feeds back to the beginning of a project: by using POE outputs to inform new projects, new processes, new systems and new designs, better buildings are achieved. Without objective review, analysis and comparison between predicted and actual building performance, future improvements in building design, construction and operability may not occur.

We have also long been calling for a review of the suitability of the definition of affordable housing. While the proposed metric to calculate net affordable units completed is positive, we urgently need to build more social housing stock and a metric which specifically monitors improvements in this area would be a welcome addition.

We are pleased to see the inclusion of a broad scope of environmental and open space monitoring metrics such as Biodiversity Net Gain and progress towards net zero emissions.

Environmental assessments play an important role within the planning system to limit potential negative impacts of the built environment on sustainability outcomes. With the result of the initial Environmental Outcomes Reports (EORs) consultation not yet published, and the approach not yet fully developed, it is unclear if the EOR regime will be a sufficient metric for LPAs.

We are aware that there is no explicit metric regarding access to green space. We note that in the Environmental Improvement Plan 2023, the Government states its goal of fulfilling a commitment that “everyone should live with 15 minutes’ walk of a green or blue space.”^{iv} Access to green space brings benefits in terms of sustainability and climate resilience, but also for the health, wellbeing and quality of life of people across the country. The precise measures needed to secure adequate access to green space are of course highly dependent on context, area and infrastructure – however, we would be interested to hear further on whether such access may be fed into the plan-making process.

Question 43: 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?

Any changes to the consultation process must take into account the needs and preferences of all stakeholders who may want to engage.

Increased emphasis on digitalisation must allow room for varied and inclusive forms of participation which cater to all people, regardless of any protected characteristics that may preclude full participation in a digital-first system.

There are potential negative impacts for particular groups of people, including older people and disabled people, should the balance tip too far towards digital engagement at the expense of other forms of engagement. In addition, consultation facilitation strategies must fully take into account the needs of groups who may not feel comfortable or able to communicate in written or verbal English. In order to ensure accessibility is prioritised, engagement should be undertaken with experts in inclusive participatory approaches. Best practice must include a range of methods to ensure that meaningful engagement is facilitated through as many means as is practicable within the constraints of the plan-making period and system.

ⁱ <https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/riba-responds-to-nppf-consultation>

ⁱⁱ <https://www.instituteforgovernment.org.uk/explainer/local-government-funding-england>

ⁱⁱⁱ <https://www.instituteforgovernment.org.uk/sites/default/files/publications/neighbourhood-services-under-strain.pdf>

^{iv} <https://www.gov.uk/government/publications/environmental-improvement-plan/environmental-improvement-plan-2023-executive-summary>