



October 2020

## Hampstead Neighbourhood Forum

### Response to White Paper ‘Planning for the Future’

**Who we are:** The Hampstead Neighbourhood Plan 2018-2033 was adopted after receiving 91.5% support in a public referendum. Its policies derived from intense public consultations that the Hampstead Neighbourhood Forum conducted with residents of Hampstead over a period of five years. This included large public meetings, many smaller meetings, circulation of a Vision Statement which received hundreds of comments, and circulation of drafts of the Plan for public comment. The Forum was in close contact with the London Borough of Camden, whose officials were helpful in guiding us through the processes of drafting and approval. Our committee has been drawn throughout from a broad array of experience including education, business, finance, public relations, information technology, journalism, law and architecture. Though local councillors are *ex officio* committee members, the Forum’s deliberations have been entirely free of party politics. Since the Plan was adopted, the Forum has been re-designated by Camden. We comment selectively on planning applications and have developed a good relationship with Camden’s planning department. In keeping with our Mission Statement, we seek to facilitate discussion within our area on topics of importance to residents, so as to further the vision expressed in the Neighbourhood Plan, which is ‘to conserve and foster Hampstead’s charm and liveability by protecting the distinctive character of buildings and open spaces, the Heath, healthy living, community spirit and the local economy.’

The **Hampstead Neighbourhood Plan** can be read [here](#). The **Consultation Statement** is [here](#). Our **Mission Statement** is [here](#).

**Our comments on the White Paper follow. They are entirely non-party political, but driven by the need to secure the most appropriate planning structure for our area.**

**Introduction:** The Hampstead Neighbourhood Forum sees the White Paper proposals as damaging. The government claims to want to ‘move the democracy forward in the planning process’ and to increase local public engagement. But at the same time it proposes to remove policy-setting from Local Plans and to set development management standards nationally. This is contradictory. The White Paper pays insufficient attention to the multiple means for local democracy and consultation that now exist in the planning system, for example through Neighbourhood Forums, and goes against the principles of localism that were enshrined in the Localism Act of 2011. The White Paper proposes to shift the emphasis within the planning system to ‘design codes’, which may be appropriate to help manage new large developments, but are unsuitable for long-developed urban areas such as Hampstead. The Hampstead Neighbourhood Plan encompasses Conservation Areas which are characterised by many unique and unusual properties that will not easily fit into particular codes. We fear that the White Paper’s proposals to standardise design will result not in beautiful design but in build-by-numbers.

The following comments are prefaced by the relevant question numbers in the White Paper.

**Questions 5 and 6:** *The Forum does not agree with the White Paper's proposals to simplify Local Plans, to streamline the development management content of Local Plans, and to set out development management policies nationally. We disagree for the following reasons.*

**National planning.** These proposals would severely upset the balance that the existing planning system provides between national, regional and local requirements. At present the National Policy Planning Framework (NPPF) is a document of admirable clarity, essentially prescribing a national methodology for local authorities in the writing of Local Plans. The government proposes instead to make the NPPF 'the primary source of policies for development management.' Given the wide disparities across the country, ranging from rural areas to those, such as Hampstead, where there are few new development sites, we fail to see how development management policies could be set nationally with enough specificity to meet local needs and to guide particular designs and planning decisions.

**Local plans minimised.** The White Paper proposes to turn Local Plans 'from long lists of general "policies" to specific development standards.' Local Plans are expected to be reduced in length by two-thirds. No doubt it is possible for some Local and Neighbourhood Plans to provide greater clarity on what development is and is not allowed, so that a developer or homeowner can understand more easily whether a particular idea will be acceptable. But Local Plans are the outcome of local democracy. Local Plans' policies in urban districts such as Camden have been developed on the basis of decades of local experience and engagement with the public. Whether or not one agrees with particular policies, they represent the only detailed guidance on planning matters, and they are tailored to meet the particular characteristics of their area. Stripping Local Plans of this extensive local experience would be detrimental to local democracy.

**Design codes.** The White Paper proposes that the efforts of local authorities and writers of Neighbourhood Plans should shift away from policies and more towards production of 'design guides and codes' as part of an effort to set precise standards for new development. A previous British government guide to design codes said they were useful for large sites that were being newly developed over a period of years, with multiple owners, developers and design teams. It stated: 'Design codes are usually of less value for small sites where a single developer and design team is responsible for the whole development.' (Preparing Design Codes: A Practice Manual, Department for Communities and Local Government, 2006, p. 20). We can see the value of design codes in large new developments where coordination is necessary in order to realise a vision for a big site, as well as to avoid construction delays and problems. However, there are no such sites in Hampstead.

Design codes may be useful as additional guidance in areas such as ours, complementing existing planning policy frameworks. But our experience suggests that it is difficult to write such prescriptive statements for areas such as ours, where most proposals concern incremental developments such as extensions to houses and window alterations.

The White Paper says that Conservation Areas would fall within the 'protected' zones in the proposed three-tier system. But we are concerned that without local planning policies in place there would no longer be a framework that would permit nuanced planning decisions concerning individual properties and specific settings. In the current system, the Forum's comments, as well as those of other local bodies and residents, often help to influence a proposal, resulting in better design. We believe participation in drafting design codes would be a poor substitute for the present democratically-driven system.

The Forum would support revision of the NPPF to require development to create a 'net gain', not just 'no net harm', with a greater focus on placemaking and the creation of beautiful places. We would also support a National Model Design Code. However, these changes should not be at the expense of eliminating planning policies that are set regionally, locally and at the neighbourhood level.

If design codes are to be used more extensively across England, in ‘protected’ areas they should still be accompanied by planning policies that would guide residents and decision-makers, and residents and local bodies should still be able to comment on each planning application individually.

**Question 9(b): *The Forum does not agree with the proposals for consent arrangements in renewal and protected areas. We disagree for the following reasons.***

The White Paper proposes to divide England into three sets of zones designated for growth, renewal and protection. It says Conservation Areas would fall within protected zones. Almost all of the Hampstead Neighbourhood Plan area is within Conservation Areas. The White Paper proposes that planning applications in protected zones should be dealt with as now through the local authority ‘and judged against policies set out in the National Planning Policy Framework.’ However, as indicated above, we do not have confidence that a nationalised planning system can effectively provide the arbiters against which to judge individual planning applications across diverse areas of the country.

According to the White Paper, Local Plans should be ‘limited to no more than setting out site- or area-specific parameters and opportunities.’ They would contain not policies but ‘a core set of standards and requirements for development.’ This would remove any opportunity for continued involvement in shaping local development. It would be contrary to the intent of the Localism Act of 2011. Given that Local Plans would lose most of their present content, it is disingenuous for the White Paper to indicate that planning applications in protected zones would be dealt with in the same way as they are today.

This becomes even more evident when one considers that the White Paper is silent about what would happen to Conservation Area Appraisal and Management Strategies or to the Planning Guidance documents that now exist. Both are invaluable in assuring good development. In addition, it appears that there would be little protection available for Metropolitan Open Land, Local Green Spaces and local views, all of which are essential to place-making and are highly valued by local communities.

Moreover, in spite of what the White Paper says about Conservation Areas being included in protected zones, discussions in which the Forum has taken part with MHCLG representatives and local officials have shown that there is in fact significant confusion on this issue.

Whether or not all or part of our Area is categorised as ‘protected’, we believe public consultation on all planning applications should be retained as an important part of community engagement and local democracy.

**Question 11: *The Forum does not agree with the White Paper’s proposals for Local Plans, for the following reasons.***

The White Paper proposes to strip text from Local Plans and to turn them from ‘documents’ into ‘data’. The Forum is naturally in favour of making the best use of digital technologies and of making the planning system as transparent and accessible as possible. Camden has made great progress in making planning applications, as well as past planning decisions, easily accessible. It is important to be able to visualise development proposals and to use maps and other tools to put them in context. However, the distinction that the White Paper presents between data and documents is exaggerated to the point of meaninglessness. The responsibility of government, whether national or local, is to produce policies. Data help to formulate policy, as we see in the current pandemic. Having good data is very important. But data cannot replace policy.

The Forum proposes that the current system of policy-setting Local Plans, as well as Neighbourhood Plans, be retained, and that local authorities are helped and encouraged to increase local engagement on their content, to make them as transparent and accessible as possible, and to make the entire planning application and approval process as open and consultative as possible.

**Question 13(a):** *The Forum agrees that Neighbourhood Plans should be retained as part of the planning system. However, the White Paper has little to say about their future role except that they should be more ‘focused’ to reflect the proposals for Local Plans and that they should make more use of ‘digital tools’. The White Paper says that Neighbourhood Plans ‘would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development.’ These vague suggestions do not show understanding of the nature of Neighbourhood Plans and their relationship to Local Plans.*

The Hampstead Neighbourhood Plan is the result of long and intense public consultation. We are proud of it. We are pleased that the Localism Act of 2011 offered the opportunity to give a greater voice to Hampstead residents. However, we have always been clear that the Neighbourhood Plan co-exists with and is complementary to the Camden Local Plan.

The Local Plan is far more extensive, professionally produced, and contains detailed policy guidance intended to meet most planning eventualities in a large and diverse borough. Camden’s planning officers are experienced professionals. They are accountable for the decisions that they make on planning applications. They also have enforcement powers. Ultimately, elected councillors are accountable to taxpayers for the content of the Local Plan and for all Camden’s planning decisions. Our experience is that elected councillors of all parties have extensive knowledge and involvement in planning issues that arise in their neighbourhoods and in Camden as a whole.

By contrast, Neighbourhood Forums are entirely made up of volunteers. While members of our committee do have specialist knowledge of, for example, architecture, trees, basements, environmental issues and transport, we are an amateur body. We do not possess the specialist skills needed to write design codes with enough detail to serve as planning templates for every street and every circumstance. This would be on an entirely different level from the writing of our Neighbourhood Plan, which was itself a lengthy and exhausting process. If this became necessary, the Forum would require significant taxpayer funding to commission specialists to carry out the work.

We believe that the key to the success of neighbourhood planning is a productive relationship with our local authority. We certainly guard our independence from Camden. We do not agree with all its decisions and we repeatedly put pressure on it on various issues. But we believe that our Neighbourhood Plan, stemming entirely from local input, has been a useful addition to the landscape. Our comments and suggestions on local planning applications, which derive from the policies of the Neighbourhood Plan, appear to be helpful to Camden’s planning department. Planning officers frequently cite the Neighbourhood Plan’s policies in their decision statements. So too do inspectors from the Planning Inspectorate in their appeal judgments. We are engaged with Camden’s officers too on issues such as transport and the environment as we seek to be a conduit for local discussion on topics of importance to residents. In such activities, we are putting to good use the experience and knowledge that we gained through local public consultation in writing our Neighbourhood Plan.

We believe that Neighbourhood Forums should retain this role in the future planning system, setting policies in a productive and complementary relationship with policy-setting local authorities.

**Question 13 (b):** *The Forum supports any effort to make the planning process more functional digitally.*

We propose a digital map that would link each site to all relevant planning documents, such as the Local Plan, the Neighbourhood Plan, the Conservation Area Appraisal and Management Strategy, Planning Guidance, and Historic England.

**Question 16: *Sustainable development is an important criterion for our area.***

Given the poor air quality in London (even in ‘leafy’ Hampstead), development that does not increase vehicular traffic is particularly important. Our Neighbourhood Plan identifies 14 Local Green Spaces and 11 Biodiversity Corridors. It also protects trees, especially veteran trees.

**Question 17: *We support the development of design guides and codes if this occurs through local consultation as described in proposal 11, and provided such codes are produced in conjunction with local and neighbourhood planning policies, which are already developed through local consultation.***

Please see above for our views about the utility of design codes, which may be much more useful for large new development sites than for long-developed urban areas such as ours.

**Question 20: *While the Forum supports all efforts to build better homes and buildings, we do not agree that the only way to expedite and foster development is to remove public consultation over individual proposals by increasing ‘permitted development’.***

The trend towards expanding ‘permitted development’ is already well-established. The White Paper proposes to accelerate it. The proposals contain the same flaws as already mentioned above. The types of standardisation described are not appropriate for areas such as ours. While provisions for local modification are mentioned, the mechanisms for local and neighbourhood orders are almost the same as that for creating a Neighbourhood Plan: that is, cumbersome. In our highly consultative efforts to create a Neighbourhood Plan, we feel we have already been through this modification process.

The Forum believes that public consultation on individual proposals should not be viewed as an impediment but rather as an opportunity to develop our neighbourhoods with community support.

**Question 22: *The Forum believes that the proposal to create a Consolidated Infrastructure Levy has merit. We would support assigning CIL amounts based on value, subject to area-specific rates. Existing Section 106 and Community Infrastructure Levy arrangements lack consistency and transparency.***

We would, however, have several concerns. We note that local authorities such as Camden tend to dodge difficult decisions on planning applications by shifting the resolution of issues into the agreement and execution of Section 106 agreements. While the legal force of such agreements can be valuable, this practice also has the effect of turning planning approval into a financial negotiation. It can also reduce transparency. We would want to be clearer about the details of any replacement system before making a judgment. Secondly, given the wide disparities in property values across the country, the threshold for the new consolidated levy should be set locally rather than nationally.

**Proposal 24: *The Forum supports the proposal to strengthen enforcement of planning rules and decisions.***

We agree that Camden should both have and use powers to take robust enforcement action, including heavier fines, if planning rules are broken, such as in cases of unauthorised development and failures to respect decisions or execute undertakings. We have had discussions with Camden on this issue.

**Other comment: Green Belt**

The White Paper states that existing policy for protecting Green Belt land would remain. Any definition of Green Belt should include Metropolitan Open Land and Local Green Spaces. Local Authority housing targets should consider the amount of Green Belt, Metropolitan Open Land, Local Green Spaces, Conservation Areas, etc., that could limit the amount of land available for new housing.

**Conclusion:** The White Paper sketches a shift towards a national system of planning, with local plans reduced by two-thirds in length and stripped of the detailed policies that they currently contain. The prime motivation for the government's proposals appears to be to make it easier for larger developments to be built, on the assumption that this will enable provision of new housing to be accelerated. It is important that England has enough new housing. But the planning system should not be built exclusively around this national target at the expense of community involvement and local considerations. Neighbourhood planning, because of its highly consultative nature, offers some indications of a better way forward. The enormous efforts of volunteers across the country to shape their own neighbourhoods should be built upon, rather than undermined. We hope that our comments are helpful in a necessary reshaping of the government's proposals.

**Committee of the Hampstead Neighbourhood Forum**

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