

# Tall buildings put critics in a tizz – as usual

FINCH

Those of an Enlightenment persuasion can only hope that rationality will continue to play a part in planning and environmental policies related to tall buildings, whatever their first use.

It comes as a surprise to a certain sort of media commentator that London is increasingly a focus for the development of tall buildings. The annual survey by the New London Architecture organization has, for several years, noted the increasing number of buildings of more than 18 to 20 storeys being proposed in the capital. It should not come as a surprise.

In one of the least successful 'campaigns' in recent London architectural history, an attempt was made a few years back to form an alliance of people who wanted a more reflective planning policy to deal with the supposed problem of height. Unfortunately, the magazine and national newspaper which backed the initiative never got round to properly defining what its aims were.

The result was that outright opponents of anything tall were able to sign up to a campaign which also attracted support from developers and architects who made a living out of high-rise buildings. A worthwhile ambition came to nothing, and the following year showed the biggest increase in tall building proposals on record. The campaign faded away.

However, judging by media commentary following the latest NLA survey, things haven't got much more reflective. The working assumptions included the idea that developers and investors are ignorant dupes of duplicitous estate agents, encouraging them to waste their money on bad investments. If that were not enough, they have failed to notice that we live in a pandemic world where nobody is going to want to work in the office. From an environmental point of view, the big disaster of tall buildings is that they are impossible to demolish without the investors losing their shirts.

This is mostly codswallop, of course. Anti-capitalist headbangers, including hilariously non-rigorous 'academics', have paraded their ignorance and prejudice about office development for the past 60 years, happily to very little effect. They are almost always wrong, initially because they did not regard office employment as 'work', therefore seeing it as a threat

to 'real' work, by which they meant manual labour. Dockers good, pen-pushers bad.

A favourite trick was to add up all the available office space (much of it third-rate, small-scale accommodation) to 'prove' that there was no need for big modern buildings. Then there was the argument that offices were somehow a threat to the creation of much-needed housing. Centre Point was evil because it was a high-rise office. Now, a listed building, it is still reviled because while converted to residential, it is not 100 per cent 'affordable'.

More recent complaints have involved the alleged damage done to the London skyline by tall buildings; in fact the skyline has become far more interesting. Next came environmental damage, which on examination turned out to be mistaken because car parking has largely been eliminated in tower applications, and the workers arrive by public transport. Of course the head-bangers quickly changed tack, arguing that in any particular case, a proposed tall building would 'overload' the public transport system.

Come the pandemic, and the argument switched

**More recent complaints have involved the alleged damage done to the London skyline by tall buildings; in fact the skyline has become far more interesting.**

again: this time, so few people will want to use public transport that the increase in office accommodation is totally unnecessary. If the towers are residential, then obviously they are in the wrong place; if they are in the right place they are not delivering enough 'affordable' (ha ha) accommodation.

In short, whatever the world of development wants to do must by definition be wrong, should be severely controlled and preferably blocked – following the creation of policies by people who have never

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built anything (particularly housing). Their aesthetic prejudices, as frequently expressed in local design policies, refer to buildings in a way which would result in Commission for Racial Equality prosecutions were they applied to people and communities – all that stuff about 'fitting in', not being 'alien' or 'non-local', not to mention traditional colour palettes.

And of course the as-of-right re-use of offices for homes has infuriated professional bodies, especially planners, because they fear their default activity being diverted to something more useful than obstructive development control.

Those of an Enlightenment persuasion can only hope that rationality will continue to play a part in planning and environmental policies related to tall buildings, whatever their first use. Actually we want tall buildings that will not be demolished once they have made investors their return; we want long life, loose fit, low energy; we want more timber used in construction (assuming the claimed embodied carbon arguments are verifiable); we read the London Plan and note the anticipated demand for homes and workspace based on a significant further population increase in the capital over the coming decade.

Critics who hate developers because they are part of the global financial system will, of course, hate the product they create, but they have few answers as to how we are to improve our cities, neighbourhoods and buildings, beyond opposing whatever it is that people prepared to take a risk are proposing.

This is student politics, and about as useful. ■

*Paul Finch's column, formerly published in the Architects' Journal, now appears weekly at [www.worldarchitecturefestival.com](http://www.worldarchitecturefestival.com)*

# The Thames Freeport: transformative step forward for business, nationally and internationally

The Thames Freeport is already proving to be a much-needed shot-in-the-arm for the region says Kate Willard

In March this year, we had the phenomenal news that we had been chosen by the Chancellor as one of eight locations for a freeport. We believe wholeheartedly that the Thames Estuary is the right place to have freeport status, and are thrilled the Government thinks so too.

The freeport will generate jobs and opportunities for the whole area, benefitting communities along the Estuary that need it most. The bid, put forward by a consortium comprising of DP World, Forth Ports (Port of Tilbury), Ford Dagenham and Thames Enterprise Park, clearly demonstrated the transformative effects a freeport would have for the region.

The headline benefits include £5.1bn additional GVA; over £4.5bn in new public and private investment; 25,000+ new jobs; 1,700 acres of development land; and £400m port investment into some of the most deprived areas.

These are benefits that are crucial to recovery and growth post-Covid and post-Brexit, not only for London and the South East, but for the country as a whole.

This is why the Thames Estuary Growth Board got

behind the bid each step of the way. In September 2020, we set out six key principles for a freeport bid, setting the direction and making clear to any bidders the outcome we need from a Thames Freeport. These principles were: economy, investment, innovation, environment, regeneration and community.

The last one of our principles is the most important to us.

Setting out criteria for freeports was a key step in the Board's activity since the launch of our action plan, The Green Blue, last July. Having set out a vision to boost the local economy and unlock the potential of the Thames Estuary, our requirements for freeport proposals put to good use our collective knowledge and influence, as well as our drive to push forward the infrastructure changes that we know will benefit the local communities and residents.

A freeport is a magnet for business and investment, and the economic boost it will bring will ripple across the estuary with jobs and up-skilling opportunities. In the longer-term, communities can grow around freeports; training and career opportunities appear, supporting the Government's levelling up

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agenda and drawing people to the Estuary.

The Thames Freeport will also support our ambition to create the greenest Estuary on the planet. Investment in clean energy generation, including hydrogen fuel production and storage, as well as plans for Ford to trial new and green technology initiatives at its Dagenham site will pave the way for cleaner air and greener spaces for the residents of London.

One of the steps we laid out in our action plan was to reduce traffic and pollution by shifting freight from road to river. Securing freeport status is a positive step in that direction. Driven by the Port of London Authority's ambitious 2040 net zero target, the freeport will link sites along the Thames Estuary by river into the capital via operational wharves. This will reduce the time and cost of transporting goods, alleviating road congestion and reducing pollution along the A13 corridor.

Following the announcement of the Thames Freeport in the Chancellor's budget, London Gateway and the Port of Tilbury – the two ports making up the Thames Freeport – received more new enquiries from businesses looking to relocate to the site in a month than at any point in the last decade.

This bodes incredibly well for the next chapter of the Thames Freeport.

Enquiries have ranged from fresh space for industrial processes, manufacturing and logistics centres to electrification hubs, innovation incubators and support services as businesses look to utilise the development-ready, low tax and pro-trade platform.

Over the coming months and ahead of the





awarding of a licence to operate in Q4 2021, the Thames Freeport partnership will be working with the Government, the Thames Estuary Growth Board, Barking & Dagenham Council, the South East LEP, the Port of London Authority and other partners to work up a business case for a range of activities to be delivered in the first five years of operation and beyond. These range from multi-million-pound infrastructure improvements and programmes covering innovation, skills development, digital connectivity, low carbon solutions and the hydrogen economy.

Businesses looking to expand are being urged to take advantage of the tax benefits of relocating to the Freeport and being part of a customs zone, which will enable them to continue to have low-friction trade processes with the EU and global markets. The Freeport will be a centre of excellence for the country as we electrify, automate, and digitise our future.

As we look forward, we anticipate a wave of investment on an unprecedented scale. New inward investors will benefit from global connectivity to every continent; first-class onward road and rail con-

nections and marine services; and skills development, innovation and automation services; alongside well-honed investment promotion and trade facilitation.

The Thames Estuary is in a good place for business – nationally and internationally – and the Thames Freeport is great testament to this. It is already proving to be a much-needed shot-in-the-arm for the region and in the long term will provide incredible opportunities for the Thames Estuary and all the people who live and work in it. ■



# Flexible design codes can shape development in London

The pilot programme should provide helpful guidance on how to bring forward codes to suit a broad spectrum of different situations, explains Jane Dann

Design codes have been in use in England over the last 25 years, but until recently they have mainly been used for proposals involving significant change or development that will happen in phases, over a long period of time, by different developers or design teams.

Generally applied to large-scale development proposals for new neighbourhoods, urban extensions and garden towns, in association with outline planning applications, they have usually been prepared by the applicant's design team and evidence shows that they help to deliver design quality. Jane Dann is Managing Director, Tibbalds Planning and Urban Design. In London, they have been used to coordinate large-scale development proposals in this manner, although alternative approaches to securing design quality have also been adopted – for instance, a detailed first phase to set a benchmark for quality, or a site-specific quality review panel.

By providing specific design guidance, design codes have also played a particular role in addressing heritage or other environmental sensitivities and reassuring local planning authorities and others as to future design quality where an outline planning application might otherwise not be approved.

Now, the National Model Design Code (NMDC) promotes a different, essentially borough-wide approach, led by local authorities. It is supported by the Guidance Notes for Design Codes (GNDC), which identifies potential topics that may be included.

The three-stage process proposed in the NMDC – Analysis, Vision and Coding – is important. Analysis is critical, especially if we are to code for smaller-scale change in existing contexts. Vision is fundamental – without knowing what we want to achieve, we cannot tell whether a code will deliver it. And coding is the conclusion to the process, rather than an end in itself – it represents the instructions for how to achieve the vision. Essentially, the NMDC has extended the definition of a design code to also encompass a vision or masterplan and the analysis that supports it.

At the heart of the NMDC is the concept of area types. It proposes classifying, say, all 'outer'

suburbs or all 'centres' within a borough into a single category with a shared local design code. And it hints at having a single design code with different values for each area-type.

This raises questions. Does this presume a common vision for local areas of each type? And will common design code requirements be appropriate for distinct places that fall into an area-type? If engagement is to underpin codes, will communities want to see a place-specific rather than an area-type based code? How easy would it be to understand or to use a borough-wide design code with different values per area-type? And how will area-types interact with the mooted planning system reform classification by growth, renewal or protection?

The Mayor of London's recent Good Quality Homes for all Londoners Guidance consultation draft (Module B) already encourages boroughs to produce area-wide design codes to promote small-scale housing developments in appropriate locations. It provides guidance for preparing them, making clear that codes should focus on clear design requirements that relate to each specific situation – for instance whether the site has a frontage or is backland; that they should respond to context and local character and that areas for coding should be prioritised in line with the potential for development of small sites. So, there are some parallels with current practice and in London the use of the NMDC will undoubtedly be layered with the Mayor's guidance.

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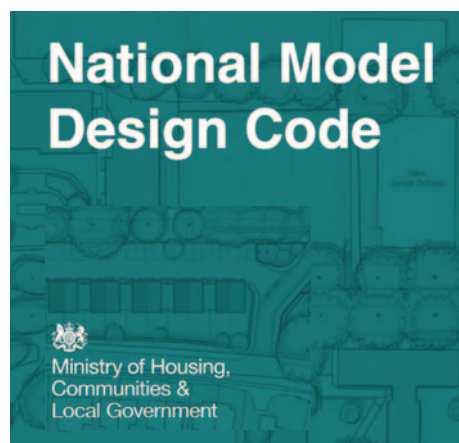


The NMDC also offers more flexibility than is immediately apparent, so is likely to be able to accommodate this. It refers to 'design codes and guides' and not only to design codes. In practice, the area-wide codes it identifies are likely to be more along the lines of a design guide than specific codes. The NMDC also presents a choice to code for an entire borough, selected parts of a borough, or development sites only, and indeed the use of area-types is also optional. So current coding can sit within the hierarchy of coding that is being put forward.

This flexibility will enable local authorities to find their own route through some of the questions, and to balance the effort that goes into preparing a code or guide with the benefit that comes out of having one in place. Resources, together with certainty in the light of planning reform, are likely to be key factors for many.

But so too is the right approach for each place – how best to balance local design priorities, challenges and community aspirations and create a workable code or guide? MHCLG is currently testing the use of the NMDC through 14 local authority pilot projects being followed over six-month period, with the London context represented by Southwark Council, and the findings are likely to influence both the final NMDC and how it is used in practice.

So, while the true test of whether we are creating better-designed and more beautiful places will come once design codes are in place and developments are taking shape, the pilot programme should provide helpful guidance on how to bring forward codes to suit a broad spectrum of different situations. In a diverse city, a range of approaches and the flexibility to respond in different ways is essential. ■



# They really don't want other people to have houses, do they?

What is needed is for the current planning system to work better, largely through clearer carrot and stick policies, and through specific process improvements and simplifications, says Simon Ricketts

The prime minister can hardly be surprised when the affluent home-owning constituents of Chesham and Amersham register a protest vote against his plans for change, thinking that in some way he is coming for their beautiful part of the country, even though it bristles with statutory protections from development.

First there has been the insensitivity with which HS2 has been forced through the Chilterns AONB with the case for longer tunnelling rejected (see my 30 July 2016 blog post *HS2: The Very Select Committee*<sup>1</sup>) and secondly, as hitherto loyal Conservatives, they will have taken the prime minister at his word when with typical hyperbole he said in his foreword to last August's white paper:

"Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes

Radical reform unlike anything we have seen since the Second World War. Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England."

"And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.

So let's do better. Let's make the system work for all of us. And let's take big, bold steps so that we in this country can finally build the homes we all need and the future we all want to see."

How easy it must be for other parties and for

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From Simon's blog at [simonicity.com/author/simonicity/](http://simonicity.com/author/simonicity/) Personal views, et cetera



campaign groups to scaremonger when such coarse analogies are used - war, tearing things down, levelling foundations, building from the ground up.

The paper itself was not nearly as radical as the foreword would suggest and we have seen no further detail since. And so he is now on the defensive:

*The Independent*, 20 June 2021: "What we want is sensible plans to allow development on brownfield sites. We're not going to build on greenbelt sites, we're not going to build all over the countryside."

[What does this even mean? Of course there will continue to be green field development, and of course some green belt development – as there is under the current system].

This is such an unnecessarily controversial issue, carelessly caused, cynically amplified. The planning system doesn't need to be torn up and was never going to be torn up. But where have the ministers been to explain, to persuade, to engage? Instead, a resounding, almost embarrassed, silence since that August 2020 white paper. The news vacuum as to the form that changes are likely to take has of course been filled with media speculation and campaigners' characterisations which have now served to make the whole question more political than it needed to be.

We all know that what is needed is for the current planning system to work better, largely through clearer carrot and stick policies, through specific process improvements and simplifications - and with better resourcing. So as to deliver, yes, more homes, yes economic growth, yes in a planned way, yes meeting environmental and social, not just economic, goals. But none of that's going to happen now is it? Because politics is all about retaining power, and planning is dependent on politics. So if you are relying on the planning system to enable you to move out of your parents' house or out of an HMO; to start a family, or to grow a business, you know what? Your needs don't >>>

## Tories pin poll loss on 'toxic' reforms

• Johnson faces 50 rebel MPs • Homes plan tips scales in safe seat • Big win for Lib Dems

### Defiant Boris Johnson tells planning critics they're wrong despite by-election humiliation

'There's some misunderstanding about the planning reforms – even some wilful misunderstanding', prime minister says

# PM warned homes plan turning off Tory voters

Key reform blamed for crushing by-election loss

TOP: FT 19th June

NEXT : The Independent 20th June

LEFT: The Times 21st June

>>> matter. Not against the needs of a politician who doesn't want to be the next Peter Fleet.

All this of course means that the current system needs to continue to work as best it can. The good news is that at least this week we had that Colney Heath appeal decision letter to demonstrate that the entire system is in fact not in total sclerosis. If an area is without an up to date plan, with a severe unmet housing need, with need for affordable housing and for sites for self build homes, planning permission may be granted even if the land is, horror of horrors, politicians look away, green belt. My firm Town (well, my colleague Paul Arnett) was pleased to play at least a small role in the appeal as planning solicitors for the appellant, negotiating a section 106 agreement with the St Albans and Welwyn Hatfield councils that secured a commitment that 45 per cent of the 100 homes proposed would be affordable housing and 10 per cent would be self-build, delivering a strategy first formulated by Chris Young QC and developed and implemented at the inquiry itself by Zack Simons (who kindly brought us onto the team). Russell Gray at Woods Hardwick was the lead planning witness and coordinated the team.

Inspector Christa Masters determined that the following were "very special circumstances" that justified inappropriate development in the green belt:

- provision of market housing

"I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However, in common with the appeal decision referred to, I note that this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.

It is common ground that neither SADC or WHBC can demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties also agreed that this is not a matter upon which the appeals would turn. I agree with this position. Even taking the Councils supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant.

There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position

on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas."

- provision of self-build

"In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply."

- provision of affordable housing

"The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends. In relation to WHBC, the affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. The appellant calculates that the shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97 per cent shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum. In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94 per cent) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.

The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals."

I recommend Zack's 15 June 2021 blog post *Notes from the Green Belt: what's so very special about Colney Heath?*

I also recommend Chris' earlier paper *Winning an inquiry: it's the benefits, stupid.*

More decisions such as Colney Heath are inevitable where authorities, admittedly struggling at times with a sclerotic local plans system, fail to deliver, which of course makes this scare-mongering about a new planning system so nonsensical. ■

<sup>1</sup><https://simoncity.com/2016/07/30/hs2-the-very-select-committee/>

# Change is inevitable

As London is hit by the triple whammy of COVID19, Brexit and the levelling up of the UK economy we are inevitably going to see major structural change in the capital. In the face of potential reductions in commuting levels, population, investment and visitors it seems appropriate that the London Society should choose 'Change' as its theme for the year's programme, writes Peter Murray

Early on in the pandemic, I had a conversation with Alex Williams director of City Planning at TfL and he talked about the five scenarios that the transport authority was studying to see how they should respond.

The first scenario was a quick bounce back to normality, something which after the recent spike in deaths and the threat of future variants of the coronavirus seems increasingly unlikely.

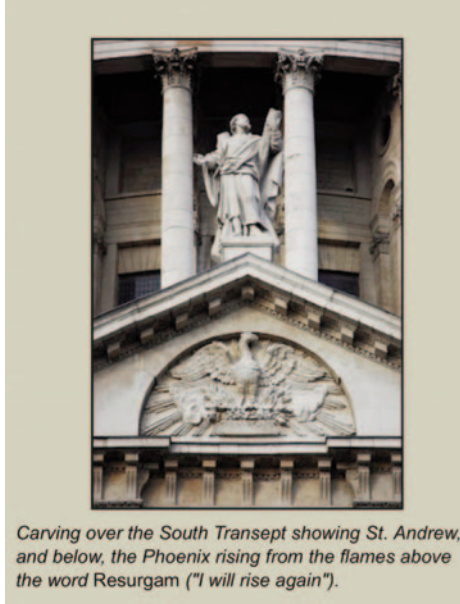
Second, he described a scenario where London has to fend for itself, there is a lack of investment in the capital and we see a situation similar to that of the post-war period when population declined and the economy struggled with the loss of employment in manufacturing and the docks.

Third, was the idea that with the increase in home working we would see a rise in what he called "low-carbon localism" where we would all live and work more locally - a policy enunciated in a recent Society webinar by Carlos Moreno the planner behind the idea the Fifteen Minute City where all essential amenities are within a quarter of an hours' walk from one's home.

Then came the concept of what Williams called the 'remote revolution' where significant numbers of people move to lower density areas beyond the M25, happy to commute further to find somewhere with space and clean air but do so less often. Finally came the idea that economic growth might even accelerate which he described as 'agglomeration plus'.

Williams stressed the difficulties of forecasting in such a fast-changing environment and as we move to a time where the majority of the population will be vaccinated against future infections the debate about where and how we will work in the future still goes on. There is uncertainty about the reduction in population as a result of Brexit and COVID - although we are seeing reductions in rental levels which are reportedly encouraging younger people back to the centre.

The impact on the areas most hard-hit is deep and likely to be long lasting. The City of London and Westminster have been ghost towns for over a year, retailers are evacuating the Central Activity Zone in droves, the damage done to the cultural sector is heartbreaking and the chances of a return to pre-pandemic levels of visitors seems a way off, given the



Carving over the South Transept showing St. Andrew, and below, the Phoenix rising from the flames above the word Resurgam ("I will rise again").

slow progress of vaccination across the world and the fear of new variants.

While one can be pretty sure there will be an increase in home working in the future - an acceleration of changes that were happening before COVID struck - if London is to retain its preeminent role as a global business centre, which is surely a prerequisite of the Prime Minister's idea of Global Britain, then the centre must stay strong. It is encouraging to see the vigour with which the Corporation of London and Westminster Council are now responding to the challenge.

The London Society has always understood the continuum of the capital's development and how the past informs the future. We have celebrated London's resilience and its ability to adapt to changing circumstance.

We can take heart that the fundamental strengths of London as an international hub of com-

**We should not forget that London is one of the greenest big cities in the world. 47 per cent is green and we enjoy over 3000 parks, spaces which will be of even greater significance in the post-pandemic world.**



Peter Murray OBE is Curator-in-Chief at NLA

merce remain - the ease of business, our legal structure, our language and diversity of languages, the level of trust and our time zone. Only last December the Institute for Urban Strategies found that London remained the world's most magnetic cities based on its ability to attract people, capital and global businesses.

As we are exhorted to build back better we should not forget that London is one of the greenest big cities in the world. 47 per cent is green and we enjoy over 3000 parks, spaces which will be of even greater significance in the post-pandemic world. The London Array is the largest wind farm in the world, the Ultra Low Emission Zone has hugely reduced pollution in the centre of the city and is due to be extended. The number of cycleways has doubled during 2020 and we are committed to being Zero Carbon by 2050. Oxford Street is being transformed into greener and more welcoming public spaces.

Although behind schedule, the Elizabeth Line will be a welcome boost to the London economy and movement. As will HS2 and the development of Old Oak Common. Areas of regeneration will surely continue such as the Olympic Legacy at Stratford, Greenwich Peninsula, Thamesmead, Meridian Water and White City. East London will be boosted by the move of the City Markets to Dagenham, by the development of new film studios and the new Freeport. Underlying these physical changes is a real commitment to ensuring that as we do so we create a fairer, more diverse and equitable city, resilient, sustainable and inclusive.

We concur with the sentiment of Sir Christopher Wren which he carved on the south transept of St Paul's after the twin catastrophes of the Great Plague and the Great Fire, "Resurgam" - "I shall rise again". ■

*This introduction to the London Society Journal was written by Peter Murray OBE as Chairman of the Society. At the July AGM Leanne Tritton was elected as Peter's successor.*

# A new construction products regulator is coming

Significant change is coming and the industry can't be left behind, explains Kevin Bridges

The new national construction product regulator is to have extensive powers to remove products from the market which present a "significant safety risk" and to prosecute any companies who breach the rules on product safety. Oversight of the product safety regime will move from Trading Standards, which has typically been the enforcing authority in this sphere, to the Office for Product Safety and Standards (OPSS), which will be expanded with £10m in additional funding to meet its broader responsibilities.

Enhancing product safety has been a key component in the UK government's commitment to improve the building and fire safety regimes; Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety ("the Hackitt Review") recommended significant change for construction products, particularly in the areas of testing, information and marketing, which it said required "radical overhaul". The Hackitt Review highlighted that "the current process for testing and 'certifying' products for use in construction is disjointed, confusing, unhelpful, and lacks any sort of transparency", identifying that action was required to mitigate risk. Coupled with this, the Hackitt Review recommended the creation of "a much more robust and effective enforcement, complaint investigation and surveillance regime with national reach and significantly greater resources".

The new regulator is intended to fulfil that remit. Its creation represents the next major phase in the government's response to the Hackitt Review and follows publication last summer of the draft Building Safety Bill, which, with the Fire Safety Act 2021, is set to overhaul the building and fire safety regime. The regulator, which will be led by a panel of experts with regulatory, technical and construction industry experience, will have strong enforcement powers including the ability to conduct its own product-testing when investigating concerns, remove products from the market and prosecute offending organisations.

It is said that the regulator will work with the newly created Building Safety Regulator and Trading Standards to "encourage and enforce compliance". Whilst this is welcomed, the incidence of overlapping of responsibilities remains a concern as the new regulatory regimes for building and fire safety develop. It is crucial that the detail of this cooperation is clari-

fied to avoid unnecessary duplication (and hence waste of already limited resources), complexity, confusion and the potential for omission. It also makes it challenging to ensure that there is sufficient oversight and responsibility for building safety and to ensure that cracks do not develop. The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented.

The success of the regulator will depend on the detail of its powers, which is still to be given (a report is expected later this year). However in February 2021 the OPSS issued its Enforcement Policy, setting out its current approach to dealing with non-compliance and to potential product safety issues, which gives a flavour of what can be expected. Key is a commitment to deliver regulation in a manner that is risk-based, proportionate and consistent, and transparent and accountable. Factors to be taken into account include not only the impact or potential impact of non compliance but also, the "likely impact of the proposed action on the business, both in terms of remedying the non-compliance and in terms of economic costs".

Interestingly, and signalling a growing trend in regulation, the OPSS also "take account of an early, positive and co-operative approach." Quite what amounts to cooperation will depend on the circumstances. Success will also depend on adequate resourcing of the new construction product regulator. The £10million so far allocated will undoubtedly help, however, given the apparent breadth of its remit, that may be used up fairly quickly. Again, whether additional funding might be available remains to be seen.

Separately, the Construction Products Association has published its Industry Consultation and draft Code for Construction Product Information, which seeks to address some of the concerns identified in Dame Judith Hackitt's Independent Review of Building Regulation and Fire Safety. The consultation is now closed and the results are being analysed. A full report is anticipated later this year. The Code aims to "regain public trust and credibility" in the industry and to "demonstrate that technical competence can be trusted". It seeks to create a level playing field for the communication of product informa-

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tion so that it can be trusted. A benchmark of minimum standards are set out but the industry is strongly encouraged to reach beyond that in their dealings. Earlier information gathering identified five "acid tests" for product information – it should be clear, accurate, up-to-date, accessible and unambiguous. The eleven point code sets out to address the considerations around these tests, identifying the minimum which must be done for them to be met, whilst also identifying relevant additional consideration to drive up standards.

Manufacturers of construction products who sign up to the "Code for Construction Product Information" will agree to abide by the clauses in the code in order to give confidence to those in the supply chain using their product information that it meets those tests and can therefore be relied upon when making decisions about using those products at any stage of design, specification, installation, use, maintenance and disposal. Registration will require manufacturers to provide evidence of their practice and procedures such that they meet the tests, with on going scrutiny ensuring standards are maintained. Failures may result in a publicised loss of registration.

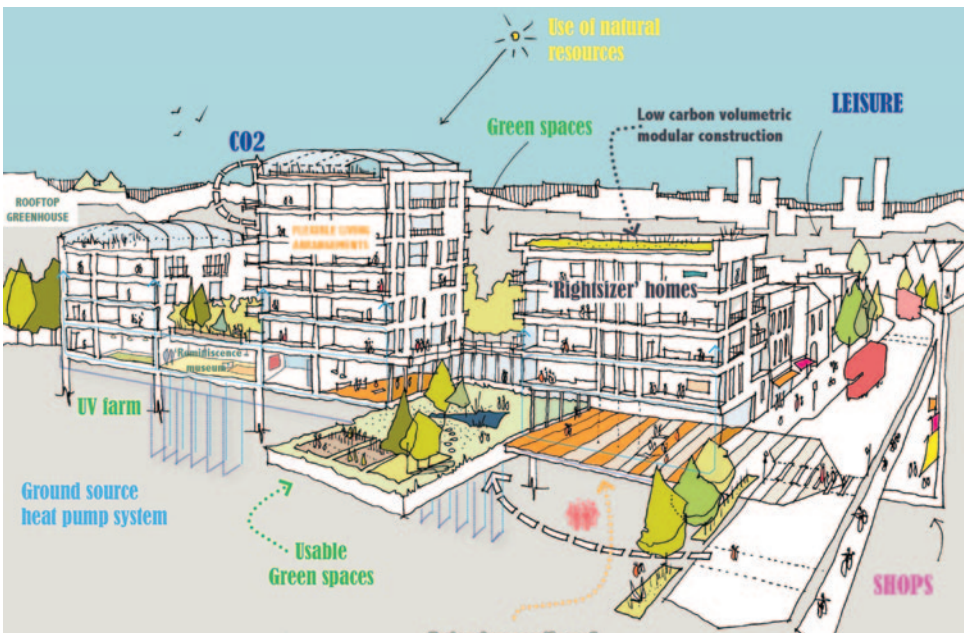
The code will be administered by a separate not for profit organisation, Construction Product Information Limited (CPIL), set up by the Construction Products Association with the support of the Considerate Constructors Scheme. CPIL will oversee the operation of the code, assess and verify registrations, and manage and audit registrants on an ongoing basis. Early analysis of responses to the Industry Consultation suggest general support for its proposals, although with additional clarification required in some areas.

Significant change is coming and the industry cannot be left behind in this. Stakeholders should examine the draft code now and make sure not only that they can meet its requirements but that their voice is heard. ■



# High Streets: We really need to mix things up

High Streets still have a huge role to play in communities but we need to mix things up, says Félicie Krikler



Félicie Krikler is a director at Assael Architecture

the high street.

We want to ensure that more commercial space is refurbished to provide flexible solutions to agile and entrepreneurial local businesses, enabling a blend of modern retail and hospitality.

We should also look at using the number of residential options that exist to breathe new life into our towns and cities and to create good homes with varying affordability levels. Why try to entice people and footfall onto our high streets when they could be living there in the first place?

However, while introducing more housing to our town centres seems like an obvious solution, simply shoe-horning homes into redundant commercial spaces is not the answer. These developments require careful and sensitive planning and must address the environmental constraints that could arise from living on a high street.

We are currently working on some interesting and innovative projects that are a good representation of these principles. As an example, Assael recently won Meridian Water's 'Placemaking with Purpose' ideas competition with a proposal focused on the creation of a community that meets Enfield Council's core sustainability requirements and that provides a vision for a post-Covid high street as a community and care hub incorporating housing, culture, education, workspace and retail.

It is the nature of the project, based on collaboration between architects, developers, the local authorities' varied teams, operators, local businesses and local people, that can bring forward flexible and sensitive mixed-use schemes to benefit the entire community.

There is no simple fix to revitalising our high streets. It will require time, patience and negotiation. But these are simple, achievable things - small steps on the road to a new future. ■

The last 16 months have accelerated the slow decline that our UK High streets were already experiencing. Depressing headlines about vacant shops being at the highest levels in six years pop up daily, and with business rate support and the furlough scheme coming to an end, many more shops face closure

With the Local Data Company and PwC reporting that over 17,532 UK stores closed since the pandemic hit, many are asking: what next for our ailing high street?

As we slowly start to envisage the end of the Covid crisis, our high streets and their surrounding neighbourhoods will have a huge role to play in how we start to look closer to home for all those services or occupations that we were previously travelling for. High streets are obviously physical places, but they bind communities together. With 5,000 high streets in the UK, and 600 of them in London alone, they're the heartbeat of our country.

Chancellor Rishi Sunak provided a raft of measures to support retailers - and urged shoppers to support their high streets - but so far, few have stopped the pandemic ravaging the UK's economic health.

At the end of October last year, Communities secretary Robert Jenrick announced that seven towns in

England will share a pot of £180m towards local regeneration projects.

With £9bn funding for over 101 Town Deals promised - and a 150-strong taskforce of placemaking experts ready to work with local authorities to deliver these projects - this is a huge boon for our struggling retail sector.

But when dealing with empty shops and distressed retail assets, planners, politicians and property owners need to shift focus away from a pure retail solution, as advocated in the Grimsey Review 2 back in 2018: "There is a need for all towns to develop plans that are business-like and focused on transforming the place into a complete community hub incorporating health, housing, arts, education, entertainment, leisure, business / office space, as well as some shops, while developing a unique selling proposition".

We need to start thinking about the built environment in more creative and innovative ways, and start mixing things up.

'Just as 'co-location' is becoming the norm, retail and high streets can follow suit. By consolidating traditional retail through the complementary integration of more resilient commercial real estate oriented around 'meanwhile' spaces, pop-ups and logistics, we can maybe start to reverse the declining fortunes of