

# Affiliation of Regional Design Review and CABA

## The 'Design review network'

Terms of Agreement

24 August 2009

## 1 Statement of intent

*'An agreement between two or more otherwise independent entities or individuals that defines how they will relate to one another'*

Design review is a tried and tested method for promoting good design and offering independent design advice, as well as being a cost-effective and efficient way to improve quality. The regional design review panels and CABA share a commitment to improving the quality of the built environment through an independent design review process. The organisations that manage the eight regional design review panels and CABA have agreed to affiliate in order to offer a consistently high quality of advice through the review process to support the planning system in achieving good design.

Affiliation is an agreement of shared values and service between independently managed regional design review panels and the Commission for Architecture and the Built Environment. These terms of agreement set out the arrangements for the affiliation.

CABA commissioners agreed on 1 July 2009 to affiliation with regional design review panels and recognised the benefits that affiliation could bring.

## 2 Statutory remit for design review

Design review has a role in the planning process that has been recognised by government, acknowledging design review's contribution to the delivery of successful places.

CABA is the only organisation that has the statutory power to conduct design review as set out in the Clean Neighbourhoods and Environment Act 2005. The role of design review in the planning process has been confirmed by CLG in two letters to local planning authorities. The first was a letter from the Chief Planner at CLG in December 2006 reminding local authorities of the circumstances under which

significant schemes should be submitted to CABE for review. The letter also noted the establishment of regional design review, the need to maintain CABE's role to review schemes of national significance, the need to avoid duplication of review, and the referral of schemes from CABE to regional panels. The second letter from the Chief Planner in February 09 says

*Local authorities are encouraged to consult CABE about significant schemes using the Design Review service, both at the masterplanning and application stages. Guidance can be obtained from the CABE website. The 2006 Chief Planner's letter is still current and we encourage local authorities to consult CABE and the regional design review panels at both the pre-application and application stages.*

Regional panels and CABE therefore have a recognised role in the planning process that sets them apart from local and other types of panel. Affiliation will allow greater clarity about the status of regional panels, and the process for allocation of schemes.

### **3 Affiliation**

Design review panels should offer consistently high standards in terms of the management of the panel, and most importantly in the quality of the advice to benefit all those in the development community and planning authorities that use their service. These high standards can be distilled down to 10 principles which are set out in the 2009 CABE, RIBA, RTPI and Landscape Institute design review guidance document. It is these principles that will be the foundation for the affiliation agreement between CABE and the regional design review panels. Design review is:

- 1) Independent** It is conducted by people who are separate from the scheme promoter and decision-maker, and it protects against conflicts of interest.
- 2) Accountable** It records and explains its advice and is transparent about potential conflicts of interest.
- 3) Expert** It is conducted by suitably trained people who are experienced in design and know how to criticise constructively. Review is usually most respected where it is carried out by professional peers of the project designers, as their standing and expertise will be acknowledged.
- 4) Advisory** It does not make decisions. It acts as a source of impartial advice for decision-makers.
- 5) Accessible** Its findings are clearly expressed in terms that decision-makers can understand and use.



North East	One North East
Yorkshire and the Humber	Yorkshire Forward
South East	Kent Architecture Centre
South West	Creating Excellence
West Midlands	MADE

The affiliation being discussed in this agreement only relates to design review, and does not include the many other services on offer in the organisations managing design review, as well the other services offered by CABE.

## **4 Affiliation details**

### **1 Adhere to the 10 key principles to ensure consistent standards of service as outlined above**

All affiliated organisations agree to adhere to the ten principles and to record in an annual report how this is achieved.

### **2 Participate in a network for directors, chairs and managers and agree decision process**

#### **Design review network management committee**

A group will be established that consists of one representative appointed from each regional panel, CABE Director of design review and Head of planning and regional design review, and CABE Commissioner responsible for design review. Representatives from HCA, CLG and BIS will also be invited to attend. This group should meet annually to assess the Network annual report and make recommendations in response to it. They would be responsible for discussing issues relating to standards and decision making in relation to the direction and operational framework of the Design review network, and to agree changes if necessary. The group would also discuss strategic issues such as promotion of affiliation, funding for design review, relationship with public sector bodies such as the Homes and Communities Agency, Department for Children, Schools and Families and Partnership for Schools. Agenda papers for this meeting would be circulated to all involved in the design review network in order that any issues could be fed through the representative at the meeting.

CABE would provide the running costs of the meeting (not travel expenses) and secretariat support through the regional design review advisor post. The meeting

could be held to coincide with the annual design review conference that takes place in the spring.

### **Extraordinary governance issues**

In the event that a specific governance issue arose which required immediate attention, a meeting of the chairs of each regional panel and CABE's chair of design review would be convened to determine an outcome.

In the event that the Design review network management committee deem a party to deviate from the terms of agreement set out on page 3, the committee reserves the right to withdraw affiliation to the Design review network.

In the unlikely event that there is irresolvable disagreement between CABE and the Design review network management committee, CABE reserves the right to withdraw permission for the use and application of CABE's brand without further consultation with the committee.

### **Panel management network**

The existing panel management group will continue to meet on a quarterly basis. The meetings will examine the practical issues relating to design review, including the allocation of schemes, and will involve CABE as well as the regional panel staff. The relationship with local panels will be monitored through this group. Directors will be included in the circulation of agenda papers for these meetings and will attend when strategic items are discussed.

CABE will visit regional panels and staff at least once a year, and will provide support if a regional panel manager has concerns with their process.

### **3 Prepare a joint communication strategy for affiliation**

Affiliation will require a communication strategy that promotes the strengthened offer of design review at the regional level. The strategy will be prepared jointly by CABE and the regional panels.

Information will be put on all panel web pages, a leaflet for all local authorities prepared by CABE with and on behalf of the network.

#### **4 Provide information for input into joint annual report**

##### **Reporting strategy and joint annual report**

CABE and the regional panels will develop a common reporting strategy and coordinate an annual report to inform all the relevant organisations of progress with affiliation. To include facts about the use of national and regional panels, evaluation of schemes. The first report will be produced by the end of the financial year and will be presented at the annual conference. The report will present an overall picture of national and regional design review outlining the output and impact of all the affiliated panels.

#### **5 Disseminate joint learning**

CABE and the regional panels to coordinate dissemination of best practice from the schemes reviewed at all panels, for local authorities and the development community. CABE to offer involvement to regional panels in their dissemination programme. CABE to continue annual conference.

#### **6 Adhere to a process for scheme allocation**

Through this affiliation CABE at the national level, and regional design review panels at the regional, will be clear about their role in relation to each other and the process needed to agree the allocation of schemes.

CABE expects to be consulted by local planning authorities as the national design review body on schemes of significance as outlined in the December 2006 and February 2009 CLG letter. Architects and developers are also encouraged to refer significant schemes to design review at the pre application stage. The December 2006 letter outlines what significance means in terms of the type of scheme CABE should see. This letter also sets out the role of regional design review panels in relation to CABE and CABE's remit to review nationally significant schemes, and scheme referral between the CABE and the regional panels.

The difficulty is that in many cases there is unlikely to be a simple rule that governs the allocation of schemes. For example 'significant schemes' include a number of uses such as shopping and leisure complexes. It is likely that CABE will want to review some of this type of proposal, but probably not all. Through a clear process and good communication allocation of such schemes can be identified and agreed between CABE and the regional panels and duplication of review avoided.

A protocol has been in place since 2007 to manage the process of scheme allocation between regional panels and CABE. This agreement will replace that.

The agreement will mean that all schemes are clearly identified at the point they are ready to be allocated to a panel, for either a CABE or regional panel process. The decision should be made when either party first hears of a scheme, to ensure there is no confusion for the development community about who will review a scheme.

### **Incoming schemes to CABE**

CABE receives schemes from local authorities, the development community, and sometimes directly from the community. Every Monday the design review staff agree what schemes will be allocated for review. The decision not to comment on a scheme may be because it is not considered significant (as defined in the CLG letter), or because of a lack of staff resources. Even in a worsening economic crisis there are still schemes that CABE decides not to review.

**When CABE does take scheme on** (at the Monday meeting) they will inform the relevant regional panel by Tuesday of that week. A format for the information will be agreed by CABE and regional panel staff. Regional panels to respond within 48 hours to CABE if they think a scheme should be considered regionally and they should set out why. Criteria should be established to help this process. For example it might be because they are already involved in the site, or in an adjacent site, or a similar type of scheme. CABE would consider the reasons for a regional review and then make a decision by the following Monday, giving reasons if they decide to continue with a CABE review.

If it is agreed by CABE that the scheme goes to the regional panel CABE will inform the local authority and scheme promoter by email of the decision, the reason and confirm the need for review.

The exception to the rule of no duplication of review may be when a CABE panel reviews a masterplan but does not have the capacity to review all the reserved matter applications. Regional panels and CABE would have to agree as the reserved applications come forward about the appropriate panel for review.

To ensure consistency, where it is likely that a major application will lead to reserved matter applications coming forward, CABE will invite the regional panel to have a representative present at the CABE review.

**When CABE does not take on scheme** they will ensure that it is referred to the relevant regional panel by email following their Monday meeting. In addition CABE

will inform whoever submitted the scheme by email that a regional panel may wish to offer a review (this could be the architect or the local authority).

**When schemes are going to review** CABE will send all agendas to panel managers, and panel managers/directors/chairs will be welcome as observers for schemes in their region. The regional panel staff should inform CABE if a representative will be attending a panel.

### **Incoming schemes to regional panels**

Regional panels receive referrals from local authorities and the development community and are supported in that role by the CLG letters of 2006 and 2009. To ensure that there is no duplication, CABE and the regional panel will have to provide information via a pro forma on all these schemes including:

- Scheme name
- Site address
- Scheme type (if housing, how many units)
- Planning status (pre-application or application)
- Significance in terms of: context  
scale  
impact / policy / precedent

**When regional panels want to take on a scheme** they will inform CABE by email on a weekly basis so that CABE can consider the scheme at their Monday meeting. A format for the information will be agreed by regional panel staff and CABE that will enable a quick decision to be made. The regional panel team will provide information via a pro forma on the type of scheme and whether it is, in their opinion, a local, regional or national scheme and why. CABE would respond by Tuesday.

**If CABE want to take on a scheme referred to a regional panel** CABE will let the regional panel know by email by Tuesday following their Monday meeting. If CABE wants to review the scheme the regional panel will inform the local authority of schemes applicant and CABE will follow the scheme up in the usual way.

**When a scheme is going to a regional panel review** Regional panel team will inform CABE of their forthcoming agendas

### **Sharing information**

Occasionally regional panels and CABE review schemes on adjacent sites or where similar typologies or policy issues are involved. This raises the issue of whether there should be an exchange of information about the panel's views on a site, specific typology or policy. In CABE's view there will be no problem with sharing information

and letters if the schemes are at application stage. However, because of CABE's approach to letters at the pre-application stage CABE will not release confidential letters. An informal sharing of information by telephone is suggested. It is for the regional panels to decide if they wish to share their own confidential letters with CABE.

## **7 Coordinate relationship with national agencies to review specific types of schemes**

HCA and PfS support the use of national and regional design review, and CABE is in discussion with both organisations to ensure that regional panels are given the opportunity to review housing and school designs.

CABE will prepare guidance for HCA regional offices on when and how they should refer schemes to design review, and the potential of design review to support skill development. CABE will consult with regional panels before issuing the guidance.

CABE is managing a school design review process for the Building Schools for the Future programme. All sample schemes are reviewed by CABE from Wave 4 using ten assessment criteria, and from late 2009 a minimum design standard is being introduced. But there are many non-sample schools that will not be reviewed by CABE and could be improved by being referred to the regional panel. CABE will develop a protocol with regional panels with regard to school schemes, and will offer a training session on the CABE process to panel managers and members.

## **8 Use the strapline and CABE logo on condition that all the above are agreed**

Affiliated regional design panels will use the strapline and CABE logo on their promotional material, being clear that it relates to design review and no other services that they provide. CABE will include a statement on their advice letters stating how it affiliates with regional design panels.

## **5 Key points about affiliation**

### **Independent panel management**

Affiliation does not interfere with the independent management of any of the panels involved. The governance of the panels would continue as it has done prior to affiliation.

## **Relationships with funding bodies**

Funding bodies will hopefully welcome the quality assurance that affiliation brings, but have concerns about any loss of independence of the panel they fund. However affiliation will mean greater clarity about governance structures of design review panels, the role of regional panels, and the emphasis on the retained independence should provide reassurance that it is not jeopardised.

Through the collaboration of the affiliation management group greater opportunities for regional design review funding may be identified.

CABE has existing relationships with the funding bodies which will continue. CABE will take forward the strategic national discussions about panel funding. Regional directors, committees and panel staff will continue to manage relationships in their region.

## **Financial support**

CABE will provide support for the Design review network management committee and panel management network meetings. They will also continue to fund the annual conference. An additional member of CABE staff has been appointed who will be exclusively concerned with the management of affiliation with regional panels. This post will start in August 09.

## **Relationship with ABEC's and RCE's**

ABECs have a role in the development of design review, and manage five of the regional panels. The role of ABECs is anticipated to develop through 2010/11 through CABE's regional funding programme that has a component for engagement with regional design review activities that ABECs will design and deliver. The success of this programme in supporting design review will be reported to the affiliation management group.

Regional Centres of Excellence (RCE) mostly remain formally part of an RDA who continue as important funders of RCE activities. Four regional design review panels are currently managed through the RCE – Ignite, Opun, Inspire East and Creating Excellence.

Whilst RCE activities vary to reflect regional diversity, they do share common activities including good practice exchange, design quality, and local authority capacity building. The RDAs have been the principle funders of RCEs. CABE funding is restricted to ABECs; this includes RCEs which incorporate ABECs within their structure. However, CABE will continue to liaise with all RCEs as required.

### **Enabling services**

Currently many of the organisations running design review panels, including CABE, also offer enabling services. This affiliation does not include these enabling services, however this may be something that will be reviewed after the design review affiliation has been established.

### **Panel training**

A required induction for panel members could be introduced, the key elements to be agreed by panel managers and CABE.

CABE to offer panel members and/or staff specialist training eg LDF workshop process, schools panel process, urban extensions and masterplan process.

### **Support for local panels within regions**

Regional panels have the opportunity to support local design review in their region. The Panel management network can be tasked with resolving methodologies for managing that role.

### **Planning skills development through design review**

Design review is recognised as contributing to the development of urban design skills in local authority planners. The affiliated panels have the potential to contribute and can agree to offer a consistent programme to be agreed by the Panel management network.

## **6 Signatures**

Done in two originals, one original being on behalf of CABE and one original being on behalf of the regional panel.

On behalf of [organisation identified on pages 3 and 4]

On behalf of CABE:

Chief Executive

Richard Simmons  
Chief Executive

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[signature]

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[signature]

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[date]

[date]