

Housing, Communities and Local Government Committee

Oral evidence: The future of the planning system in England, HC 858

Monday 23 November 2020

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Members present: Mr Clive Betts (Chair); Bob Blackman; Ian Byrne; Brendan Clarke-Smith; Ben Everitt; Rachel Hopkins; Mary Robinson; Mohammad Yasin.

Questions 63 - 116

Witnesses

I: Tony Mulhall, Associate Director, Royal Institution of Chartered Surveyors; Philip Waddy, Chair, RIBA Expert Advisory Group on Planning, Royal Institute of British Architects; Richard Blyth, Head of Policy, Royal Town Planning Institute; Paula Hewitt, 1st Vice President, Association of Directors of Environment, Economy, Planning and Transport.

II: Claire Dutch, Partner, Co-Head of Planning and Environment, Ashurst LLP; Nigel Wilson, Chair, Homes for the North; Ingrid Samuel, Historic Environment Director, National Trust; Steve Quartermain, Former Chief Planner, Ministry of Housing, Communities and Local Government.

Examination of witnesses

Witnesses: Tony Mulhall, Philip Waddy, Richard Blyth and Paula Hewitt.

Chair: Welcome, everyone, to this afternoon's session of the Housing, Communities and Local Government Select Committee. We have our second evidence session this afternoon, looking at the future of the planning system in England. Welcome to everyone who is watching and particularly to our two panels of witnesses this afternoon. Before I go over to the witnesses to introduce themselves, I will ask members of the Committee to put on the record any particular interests they may have that may be relevant to this inquiry. I am a vice-president of the Local Government Association.

Ben Everitt: I am a councillor with the unitary authority.



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Rachel Hopkins: I am still a local councillor and I am another vice-president of the LGA.

Ian Byrne: I am still a sitting councillor in Liverpool.

Brendan Clarke-Smith: I am still a sitting councillor in Newark and Sherwood.

Mary Robinson: I am not a councillor but I employ a councillor in my staff team.

Q63 **Chair:** Coming over to our witnesses now, thank you very much for joining us. Could you introduce yourselves, say who you are and who you are representing today?

Tony Mulhall: I am an associate director at RICS. I am a chartered surveyor and a town planner. I have responsibility for planning and development matters.

Philip Waddy: Hello. I am a chartered architect. I chair RIBA's expert advisory group on planning. I am also the managing partner of a practice of architects and planning consultants.

Chair: We should have had Victoria Hills from the RTPI, but I understand she has family issues today that prevent her from attending. Richard Blyth, I think you are kindly stepping in.

Richard Blyth: My name is Richard Blyth. I am a fellow of the Royal Town Planning Institute, a chartered town planner and responsible for the RTPI's response to the planning White Paper.

Chair: Perhaps you will pass on our best wishes to Victoria as well.

Paula Hewitt: I am Paula Hewitt, 1st vice president at the Association of Directors of Environment, Economy, Planning and Transport. I am also a director at Somerset County Council. I am a planner by background and a member of the RTPI.

Q64 **Chair:** We will not necessarily go to every witness for every question; most of the questions will be directed at one particular witness, but others can come in if they want to add to it. If you want just to agree, it is fine just to say, "I agree", and then we can move on expeditiously.

Tony Mulhall, the RICS made quite a bold statement, really, saying, "For a libertarian styled Government these proposals seem quite centralising". It is a pretty stark criticism, is it not? Do you want to elaborate on that or justify it?

Tony Mulhall: I am not sure where you picked up that statement, but I will respond to it anyway. Essentially, the policies up until now have been focused on localism and the idea that development, planning and ideas about how people wanted to run their lives and settlements have been from the bottom up. You can detect in this particular White Paper a sense



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that there are questions being asked that question whether decisions should be taken by Government centrally and implemented by local authorities, rather than being generated by local authorities and implemented there.

I would like to raise a distinction here, because sometimes people use “centralising” in a pejorative way, when in fact it could be argued that nationalising or national standards are a centralising approach to delivery of standards, for example. As long as the decisions are taken at the level at which they are appropriate, that is what we would be looking for. We would also want the consistency that comes from national standards. I will leave it at that for the moment.

Q65 Chair: There has been quite a lot of quite substantial conflict in the evidence we have received. The Government are arguing that the changes will empower local authorities; lots of other evidence is saying that these proposals are excessively centralising. Would any other witness like to come in briefly and take that up?

Philip Waddy: Our members work across the whole country. There are 350-plus local planning authorities in England alone. At the moment, every one of them has a different way of doing things. Every local plan looks slightly different. There are a whole host of supplementary documents and each council has a different presentation of the documents. When you are working across different authorities, it would be so much easier if we had a standard format. That is not to say that local communities should not decide what goes into their local plan, of course, but why can we not have a standard, easy-to-understand format across the whole country? It would make our life a lot easier.

Q66 Chair: Are there any other comments from the witnesses? It is quite a key issue.

Paula Hewitt: I do not disagree that there can be merit in standard formats of things. We need to recognise that places are different. They have different needs and ambitions. We do not want to lose that local dimension that means that places are designed and shaped in ways that meet their local needs and ambitions.

Richard Blyth: I have one observation. The Government propose a renewal zone. In our evidence to the Ministry, we pointed out that this is everything that is not one of the other two zones. Renewal embraces a vast range of types of existing built-up areas. Whether that is centralising or not, I am not sure, but it certainly would need to be much more fine-grained if it was going to work.

Q67 Ben Everitt: Richard, let us pick up on that. The Government have suggested just three zones for this and you have pointed out that renewal could cover a multitude of things. Is three zones right? Would you elaborate on your thoughts on that, please?



Richard Blyth: For growth and protected, the proposals are moving much along the right lines, although I think protected needs to be much more than protect; we need to improve the environment, not just protect it. That is quite a passive view to take.

Renewal needs much more breaking down and consideration of whether in fact it ought to be brought in in either a pilot or a staged approach in which details of different kinds of renewal areas could be thought of. Do we need a specific approach for areas not of industrial dereliction but industrial change, if they need major change, like the freeports proposal? Do we need perhaps a resident-led neighbourhood approach to the possible densification of individual streets? Do we need a specific approach to our town and city centres, which are quite complicated areas with often great varieties of building form and land use down a single street? We love our town and city centres because they also contain significant historic assets. Renewal is such a broad church that it either needs to be broken into many more kinds of areas for local authorities to build up from, or we need to think possibly about a staged and piloted approach, in which these different ideas can be worked out in different kinds of places.

Q68 **Ben Everitt:** We have almost looped back to that first conversation where we started, on the difference between centralising and localising and recognising that there are multiple different approaches within each planning authority and around the country. There is probably more to do on that. Richard, while I am speaking to you, let us talk about the growth zones and how the Government see that planning in principle is a way to speed up housing delivery. How strong is the evidence that that works for smaller sites? Will it provide a way forward for those larger-scale developments that are going to get us to our target?

Richard Blyth: We did some research into planning in principle for smaller sites. The results were not entirely conclusive as to whether it speeds things up, but it is a very different issue if you extend it to large sites. One of the exciting possibilities about the growth zone is that it could remove uncertainty for communities and developers. At the moment, communities are often disappointed, because local plan allocations promise much when they are first made, when the local plan is first out. Sometimes, by the time they get to see houses coming out of the ground, the results are rather different, so people feel a little betrayed and disappointed that it was not what they were expecting.

On the other side of the equation, developers are often understandably very frustrated when an allocation in a local plan is turned over at a planning committee and actually refused. At the very least, that involves them having to go to a delaying and costly appeal process. Growth is useful because it could mean that local plans actually mean what they say they are going to do.

Permission in principle would then come along with that. If you were in a growth zone, you would have that permission, but it also needs to go



through some kind of masterplanning level. A growth zone could be quite a large area, but within that there needs to be clarity on where things like community facilities are going to go, schools, and where the public open space is going to be.

In Germany, they have a very clever system called Umlegung, where the land is redistributed. Once the town decides it is going to expand, all the landowners are forced into a co-operative and then have to share among themselves responsibility for all these perhaps less income-earning activities that the community still needs. If you are unlucky landowner B that gets the allocation of the public park, that responsibility is shared around. We need a level below simply allocating for growth. We need a masterplan level as well.

Q69 Ben Everitt: That is incredibly insightful and quite comprehensive as well, so thank you for that. I will turn to Paula now. We are talking about the complexity and depth required from local plans. The Government have proposed a 30-month statutory time limit for producing those local plans. We can probably all agree that they take far too long now. That length they take leads to some of those issues that Richard was pointing out there about lack of engagement and how communities can end up with something that was not exactly what they thought it was going to be. We have received evidence, for example from the Canal & River Trust, which is based in my constituency, Milton Keynes North, where stakeholders are concerned about the impact of those changes, shortening the time period, on them as statutory consultees. Do you think they are right to be concerned?

Paula Hewitt: Yes, they are absolutely right to be concerned. If every authority round the country is trying to produce a plan within 30 months, everyone will need input from the statutory consultees. As you say, there is the Canal & River Trust. There is Highways England and the Environment Agency. That is going to be a huge call on their resources, as it is going to be on local authority resources. That is an area of concern. How do not just local authorities but also all those consultees in the process gear up to produce plans in that time? Are those skills and capacity out there, even if we can find a way of funding them?

Ben Everitt: It all comes down to skills, capacity and funding.

Philip Waddy: Another challenge we have is that you are in Milton Keynes and I am here in Oxford. In Oxford, we have an Oxfordshire Plan 2050. We are trying to work out what the county needs in 30 years' time. I am sorry, but you cannot do that. Four years ago, the country voted to leave Europe. Nobody planned for that. We have just had an international pandemic that has completely changed the economic climate we are all operating in. Whatever comes out of this White Paper, we need a planning system that can react far more quickly to fundamental structural change in our economy, our social make-up and the environment.



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Before we had the Planning Act, we built what was needed, when it was needed and where it was needed. The quality of that perhaps was not as good as it should have been, but things happened much more quickly and reactively. I cannot see that trying to have local plans that are looking 10, 20, 30 years ahead is of real benefit to an economy that is constantly changing.

Q70 **Ben Everitt:** Essentially, you are saying that we need to give planners certainty but react to circumstances.

Philip Waddy: Yes. We need a flexible system that can adapt quickly to change.

Tony Mulhall: That is exactly the response we have from members. It is quite a challenge to do it. It is to provide the certainty that communities and practitioners want in dealing with the planning system, but also to have flexibility in the planning system. It is a bit of a challenge for Government to devise a system that is sufficiently stable to give the confidence that people know what they are going to get. One of the criticisms we get back from both communities and practitioners is that they have spent a long time working with the development plan and, at the end of it, they do not really know what is going to come out of the plan. The developer, likewise, has spent a lot of time and money developing an application and is unsure whether it will get planning permission.

That is fundamentally at the bottom of this, and I think that is why Government have taken the approach of, "Let us start afresh". Almost every Government that come into power have a proposal for changing the planning system. The problem with changing the planning system by altering the existing one is you build complexity upon complexity. That does not meet the requirements. We have this opportunity with digital transformation as well, which brings its own complexities. Interoperability between all those statutory consultees will be very important. It will be very beneficial when everybody is linked digitally, but, while we are doing it, it is going to be painful.

Ben Everitt: The system is complicated and, every time we try to change it, it gets more complicated. I am sure the Government will thank us.

Q71 **Rachel Hopkins:** How important is the design of building, in terms of both appearance and function, to causing resistance to planning proposals. That is something for everyone.

Paula Hewitt: We have to think about design, not just about what buildings look like but absolutely about how they perform as places to live. We have to look at health and how they perform in the health of those residents and communities. It is really important that we look at sustainability and climate change. To me, if we are talking about design of buildings, we must not just think about external experience, hence



some concerns about this fast track for beauty. Beauty can be much more than just what it looks like. It needs to be about how it functions as well.

Q72 Rachel Hopkins: I take your points completely. To probe, is the design element something that can cause resistance? As we have said, many of us are local councillors and we recognise that coming forward from many of our residents around design.

Paula Hewitt: Yes, I get the question. The wider design and ambition of the local area to have something that has local distinctiveness and meets its ambitions around carbon neutrality and reducing carbon are all things that local authorities will want to put in and achieve. If they feel developments come forward that do not achieve that, that can be something they want to challenge.

Philip Waddy: I absolutely agree with Paula. It is not just the way a building looks that matters. It is a holistic approach to design, sustainability, social interaction, personal safety and a sense of place. One of the real frustrations I have as an architect when I am presenting a scheme is sometimes people just look at the appearance of a building and think that is all that matters, but it is not what matters. It is the holistic approach.

When we talk about design and design guides and so forth, we should not be talking stylistic approaches. We should be looking at how the process of design has been gone through. Have the right processes been followed? At the end of the day, ultimately, the aesthetic that comes out at the end is perhaps one of the least important aspects of the whole design process. Parts of the White Paper talk about design coding. Design coding and design review are very supported by the RIBA. As practitioners, we would much rather have our work judged by peer review. Design review is something the RIBA has been championing, along with the RTPI, for many years now.

Q73 Rachel Hopkins: I will come back and ask more questions on the design codes. I would like to hear from Tony and then Richard around design causing resistance to planning proposals.

Tony Mulhall: We did some work a couple of years ago on place-making and the link between place-making and creating financial value. In other words, we were saying, "We have all these standards. We do all this wonderful work. Are people prepared to pay more for dwellings that are built in these kinds of locations?" Going back to the definition of beauty and what it means, I am taking the White Paper to mean beauty in the broadest sense, in other words all the good things to do with place-making.

What we found was quite reassuring. Where good place-making and masterplanning was carried out, people were prepared to pay a premium relative to locations in the same area that did not do that kind of work.



That was quite reassuring. We will do a second edition of that but, in this case, we will want to include the wellbeing benefits. In addition to the financial benefits of your property maintaining or even increasing its value, it is the long-term benefit to organisations like the NHS, where we do not generate chronic diseases. This is going beyond the aesthetics of design. This is the total place-making package. That is what we are talking about. We would like to ensure that what is being proposed here, in the Government White Paper, underpins all that kind of thinking.

Richard Blyth: It is a little difficult to tell because, when people object to proposals, they object to a whole range of issues. Simplifying it a little crudely, I suspect that, if it is a building in your own street, an infill, a replacement, a small site in your area, what it looks like is very important to you because you might be looking at it outside your window all the time.

87% of our members do not feel that the planning system has enough control over design at the moment. For a long time, the planning system has been told to get its fingers off design. The current Government are showing very interesting suggestions around how that might change, which is very exciting. That will be an important opportunity for us. If we can refuse things because they are poor design, it will be easier to separate out the design point from all the other things people object to, like pressure on local services.

When it comes to major greenfield expansion, design is nothing like as important to existing residents because they do not tend to see so much of it. It is of importance to people who are going to move into those new settlements. Some of the surveys, even the surveys RIBA has done, suggest a very low level of satisfaction of people with the quality of the houses they are moving into. Taking other witnesses' points around thinking of design in the widest sense, it is exciting to think we may be able to move into a period where people are really excited by the quality of new homes, what they look like, how they perform in carbon terms and what goes on around them.

Q74 **Rachel Hopkins:** We have talked of design in the round. Are there any additional comments around your assessment of the proposed design codes, both nationally and at a local level?

Paula Hewitt: There is nothing I particularly want to say there, apart from that point about we need to factor the sustainability and climate change stuff into those designs. It is increasing up the agenda. Access to the natural environment for people has become very important during the current Covid pandemic. We recognise that people are valuing outdoor space more than they were previously.

Philip Waddy: The RIBA's response to the White Paper on this has been quite clear. We have a top 10 tips for good design codes, how to create good design codes. As I mentioned earlier, our members are quite supportive of that.



As an institute, we are terribly disappointed at the lack of ambition on sustainability in the White Paper. So much more could have been done. As a profession, we have the skills to design zero-carbon developments now, today. It is now a requirement for all chartered architects and architectural practices to be designing zero carbon by 2030. I know that reference is made to 75% reduction in energy in housing, but we can do so much more on that sustainability front. I can tell you: you would get a massive amount of support from all those professions involved in the construction world if that happened.

Going back to one point that Richard was making, on quality of design, I sit on a design review panel and quite a lot of the applications that come forward are for just that sort of development that Richard mentioned that people do not like the look of. There is no professional design input on it. It is a real puzzle to me. My profession is regulated. I have to be licensed to do what I do, but there is no regulation that says you have to be licensed to design a building. An awful lot of stuff gets put through the planning system that has no professional input at all. I have never really understood this.

Q75 Rachel Hopkins: I find that very interesting. You have sort of answered the question, but something else I wanted to probe on is that an architect's vision of what beauty is is not often what communities believe or perceive to be beautiful. I think you have answered that question. Tony, do you have any comments around design codes?

Tony Mulhall: To pick you up on that last point, it is a very interesting point. In the research we did, we found that style and design, in that sense, was not an issue. We recognised that different locations may have a different type of design they preferred. Different age groups may have a different preference for designs.

The point I would like to pick up in relation to the design codes is we are talking about volume building here. One of the methods of volume building we are talking about using is modern methods of construction. This is factory-made and factory-engineered. I am wondering how they are going to interact with design codes, which have a slightly different slant to them than what might come out as factory units.

The additional point I would make is I do not think anybody thinks we can address climate change without innovation in our construction industry. This will result in innovation in materials and methods. Our design codes should be able to accommodate that as well.

Richard Blyth: I want to raise the question of who is going to do all this work. The Government propose that the thinking will be moved upstream, as they say, into the writing of the local plans, the masterplans and the design codes. That is a long way from where we are now. Potentially, there is the need to both run the current system of deciding at the planning stage and build up all this infrastructure ready for the



launch of the new system. We not only need a local plan. We need the detailed codes so that the arguably smoother system can be in operation.

There is going to be a need to finance both systems at the same time, against a background where the planning part of local authorities has been cut by 40% since 2010. When we were thinking there was going to be a four-year CSR, we asked for £500 million to overcome this problem. Part of that would be a specific design element in order to get us over this initial investment that would be needed before you could arrive at some kind of steady state in which these codes would be operative and smoothly in place.

Q76 Ian Byrne: I will direct this one at Richard. Anyone can come in after Richard has answered if they want to supplement the answer. The new chief planner has said that the proposed levy will bring at least as much money into the system as it does now to local government to allocate to affordable housing, infrastructure and other local requirements. Given the levy covers all development, does this look conservative?

Richard Blyth: It is going to be very difficult to set a single levy for the whole country. I like the idea of the simplicity of that, the fact that it would mean that everyone's expectations are clear from the outset and the right bids can be made for new land. There are parts of the country where building a new house costs more than you can sell them for. There are other parts of the country—not so many, I have to say—where the value of land with planning permission is very much more than the cost of building a house. I do not know how you arrive at a single percentage that is going to work from Northumberland to Cornwall, via central London. Therefore, it is quite difficult to be able to be sure that it is going to raise as much money as the current system.

We also have to bear in the mind that the current system is not doing terribly well. Social and affordable housing is in desperately short supply. Furthermore, if you just limited the infrastructure levy to actual infrastructure as opposed to paying for affordable housing, there are still heavy demands, particularly in areas of lower land value, for things like doctors' surgeries, schools and anything that you need to go with new developments—even roads and so on. I am not sure that the idea of depending so heavily on developer contributions is the way forward.

We, as the RTPI, propose that affordable housing should primarily come out of this whole system altogether and be funded a separate way. It certainly concerns me that that is always at the forefront of many of the quite long debates between applicants for planning permission and planning authorities. Some of the most difficult and thorny discussions are around, "How much should we give to affordable housing?" It seems to me that it would be good if that was one thing we could bypass and make a smoother and faster system where that whole issue is back where it used to be, which is funded properly, centrally, and allocated where the need is greatest.



Q77 **Ian Byrne:** That is a very sensible answer. Does anyone else want to contribute?

Paula Hewitt: I agree with what Richard has said. There is a real risk that, if this system is done on a national basis, it actually drives inequality rather than improving things. Also, the way it is potentially set up could cause real problems about cross-boundary infrastructure and how that is funded, particularly if the duty to co-operate is taken out of the system at the same time. Let us be honest: a lot of our infrastructure needs do not reflect local authority boundaries. Roads, transport corridors et cetera, run across boundaries.

There is also a lot of uncertainty in the system about how site-specific infrastructure would be secured through this new system. Finally, I will throw in the non-financial aspects of section 106 agreements that we currently have. It is not just about finance. How will they be picked up through a new system where a levy replaces section 106 and CIL?

Tony Mulhall: Like Richard is saying, we would advocate a different way of funding affordable housing. It seems to make sense to decouple it from market housing in some way. If market housing fails to be produced, affordable housing fails to be produced just at the time when it is really needed. We would like to see that distinction made.

We would also like to see the distinction made between infrastructure funding and land value capture. Just because the land value is not there to be captured does not mean the funding is not needed for the infrastructure. That is also slightly blurred at the moment in the White Paper, as to the focus on infrastructure funding versus land value capture. Additional clarity might be useful on that.

Philip Waddy: I have two points. First, RIBA very much supports the concept in the White Paper of giving local authorities more power to develop their own housing. That is something our members would fully support.

On the infrastructure thing, many years ago we lost our regional planning structures. This issue of cross-boundary communication between authorities and infrastructure across regions or sub-regions has been lost. There is a case for introducing some form of regional planning structure again. We are here in Oxford. There is a massive amount of support in the technology, science and education sectors for this vision of an arc between Oxford and Cambridge. Ben will know about this. There is a huge amount of support.

There are people wanting to invest in it now, but we have 20 or more local authorities, district authorities, LEPs and county councils trying to get it together. Buckinghamshire has said it does not want anything to do with it now and is pulling out. We need some sort of regional model that can make these things happen. Otherwise we will be sitting at another Select Committee meeting in four or five years' time, still debating the



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prospect of whether there should be an arc between Oxford and Cambridge.

Q78 Ian Byrne: I will follow that up with a question, seeing as you have answered that. At the moment, “levelling up” is a buzzword. This follows on from what you were speaking about. Do you think that locally raised and locally spent is the right approach to funding infrastructure, or does there need to be redistribution?

Philip Waddy: Richard made the point earlier that there are parts of this country where there is, frankly, a shedload of cash available in land value, between land without planning consent and land with planning consent, and there are other parts of the country where there is not any. There is an argument for some of that levy to be redistributed to other parts of the country that do not have the funding.

Paula Hewitt: I would agree with that. It is important that we have the right infrastructure to provide successful places that are healthy places to live and deliver what communities need, rather than been constricted by the amount of levy that is available.

Tony Mulhall: This takes us back to the idea of the national standard. What are the standards to which we expect development to be delivered nationally? They should not differ from one part of the country to another just because there is money available in land.

Ian Byrne: That is a good point.

Richard Blyth: My final point is that I cannot disagree more with the idea that we cannot plan for the next 30 years. We definitely need to do so. One of the problems we have been facing is there has not been enough long-term planning. One of reasons we need that is that the infrastructure needs to be co-ordinated between all these different providers, the electricity and gas companies. If they do not know how they are going to be able to invest for at least the next 10 years, they cannot get all the stuff in place. We need frameworks that enable investment, particularly by infrastructure providers, to be there, so they know how to get in in front of the housing that is then needed.

Q79 Chair: To throw one issue back at Richard, the challenge was put out by Paula that 106 is not just about the money. Presumably that also means that you get a mix of development. You get some social housing, maybe other sorts of affordable housing, in with market housing. If you had your way, Richard, and it is simply about the money and not about delivery on site of particular housing, are you not going to get more housing built in one place and then some money to put some social housing somewhere else? In other words, you will not get mixed communities.

Richard Blyth: I totally agree that we need 106 to do all the, if you like, in-kind things that are required from a development. It is not just handing money over by the developer to another body. The developer may have to do certain specific things, particularly on site. As to how we



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would guarantee mixed communities, one exciting thing would be, if we have this system where there are allocations that are firm, perhaps we should be having allocations for affordable housing.

Q80 Chair: I have one follow-up point there. Is the other challenge of levelling up not spreading levy across the country? People might well find that is a reasonable proposal. On the other hand, do communities not expect, if they put up with the development, they are going to get the benefits of that development, the levy provided spent in their area?

Richard Blyth: My concern was having a single percentage across the country. I am very much supportive of the idea that, if your area is having the development, that needs to be spent there. There have been some concerns that, if the money was made available to local authorities without ring-fencing, it might disappear into some other function, because local authorities, as you all know, are very hard pressed. From the developer point of view, it is essential that it goes to infrastructure related to that area.

Q81 Chair: That is different to what Philip was saying. He was saying that it is unfair on the poorer areas because they would not get anything.

Richard Blyth: I do not think the developer contributions are going to be sufficient, particularly in poorer parts of the country, to provide infrastructure. There has to be another way of doing it. I did not suggest that somehow it would be acting as a redistributive function, moving money around the country.

Q82 Mohammad Yasin: My question is for Paula, and others can come in, if they wish, after her. The National Audit Office found that local spending on planning by local authorities fell by 14.6% in real terms between 2010 and 2018. In your view, do the planning authorities have the resources to carry out the Government's proposals in the timeframe suggested?

Paula Hewitt: I would not dispute the figures you have. As local authorities have been hard-pressed, resources have been diverted and areas cut. There is a serious issue about those resources to deliver what is required within 30 months. You add to that, if we move to a new system where there are less planning applications, the thing that props up those local authority planning budgets is the planning application fees. You need to start thinking through that in a different way. That means there would need to be a funding solution to fund planning if we are going to frontload it a bit more into local plans.

As I said before, I worry about the resources but also about the skills out there. If we are going to frontload the system, those skills will need to be developed and made available to do that work.

Richard Blyth: I would reiterate the point I made before. We will potentially have to run two planning systems at once until we get into a steady state. That is a particular challenge immediately now. On the point Paula made, we have already had a significant shift of the proportion of



the funding coming from development fees, planning application fees and the rest. A while ago, 10 years ago, local plans were more centrally funded. Planning departments now are becoming increasingly dependent on the fees they get given, which limits their ability to be proactive and to make plans for the future.

There tends to be much more of a business process emphasis on getting the planning applications decided, and yet the White Paper is very much talking about looking at ways to be more strategic and forward-thinking. That is fantastic, but someone has to find the money from somewhere to do it. One thing we have called for is a chief planner at the table in every local authority. That is one of the ways in which the need for planning as a function that benefits everybody in the authority, not just the applicants for planning permission, is something that will be strengthened if we have this top table lobbying within the council.

Philip Waddy: I am old enough to remember when there were not any planning application fees and the system was 10 times better. As the fees have increased, members of our institute have been consulted. The general view is that our clients do not object to paying extra fees, so long as they get a better service. Over the decades, as the fees have increased, for whatever reason the quality of the service has decreased. On a day-to-day basis, with our members' projects, planning is slow. Since Covid, it has pretty much stopped and here we are in a situation where we have to get the economy going. We have to get it moving.

I have a planning application that should have been determined in 13 weeks, which has taken 39 weeks. There are serious problems on the ground. On increasing the fees, as I said, I do not think those that engage in the planning situation are concerned about the fee, so long as they get a quality of service. It is not happening at the moment. I completely agree with Richard. Local authority planning departments have been decimated. They are understaffed, overworked and undervalued. That has to be addressed.

Tony Mulhall: A criticism we hear quite frequently is the lack of resources in local authorities. It is interesting to see how Government have proposed to address some of this. The criticism comes at the development manager stage and Government are now proposing to do a lot of the almost decision-making at the development plan stage. It is quite interesting to see how much of the work has been put forward. Of course, that has to be resourced. If it is not done well, a problem will arise further on down the line. All that design-guiding and design-coding is very time-consuming. If it is not done properly, by skilled people, we are creating a problem further down the line.

Q83 **Mohammad Yasin:** In your view, how much additional money do the planning authorities need at the moment?

Tony Mulhall: I am not in a position to say on local authority finance. Richard might be able to contribute.



Richard Blyth: Our CSR submission said £500 million, which is made up of a series of specific funds for different purposes. It was a bottom-up figure. I am trying to turn it up, but it is definitely in our evidence to the Select Committee if I cannot find it now. Specific funds related to the work intended for very focused interventions on design, technology, community engagement, plan-making and a fund for wider co-operation across boundaries. The idea would be as happened already under, I think, the Theresa May Government. The planning delivery grant enabled specific focused sub-funds to be identified and pinpointed on particular activities. Our proposal would do the same, but somewhat expanded.

Paula Hewitt: We need to make sure that any work that local planning authorities are asked to do is properly funded. We need to recognise that a more frontloaded system will require more resources up front, which cannot be funded out of planning fees because they would come later and are likely to be much smaller. There is a question there that needs to go with it. If we do not get the resources right, the system will not deliver and it will fail. Therefore, it is really important. Also, we must not lose sight of that skills agenda, making sure we have people with those right skills in local authorities to do that whole range of things that are now being talked about, the front-end design-coding, et cetera.

Q84 **Mary Robinson:** I have a question to Paula Hewitt. It is on planning for the green economy. You state in your evidence that you want to see a collaborative planning system that puts addressing climate change, together with biodiversity, wider environmental net gain and tackling inequality, at its heart. To what extent does the White Paper meet these aims and what could have been done better?

Paula Hewitt: The ambition is there, which is good. There is a lot of detail lacking about how that would happen. It feels like there have been some missed opportunities to join up the planning White Paper with the Defra 25-year environment plan, the amount of work that is currently going on both nationally and in local authorities around climate change plans and the whole sustainability bit. I also feel the whole linkup with public health, creating healthy places where people's wellbeing is at the centre and balanced communities, does not come through strongly enough to me. There would be huge improvements to be made if those agendas could be linked up more fully together.

Q85 **Mary Robinson:** How would that linkage have happened?

Paula Hewitt: It requires that cross-Government bit, in terms of the 25-year environment plan and the climate change work happening in different Government Departments. Also, we need to move away from just thinking about housing. We need to think about balanced communities. An awful lot of this White Paper is about housing. Housing is important, but people need jobs, green infrastructure, other services, schools and things. It feels to me that it would be great if this was looking a bit wider than the real focus it has on housing at the moment.



Q86 **Mary Robinson:** Would it have been done any differently post-Covid?

Paula Hewitt: We have learnt a lot from Covid. I mentioned earlier that we value outdoor spaces more than we did before. We are also beginning to see people thinking about working a lot more remotely. That changes the space requirement in their homes. Suddenly it is not somewhere that they just spend their evenings. It is somewhere they are going to need a workspace, et cetera, as many of us do today. All that needs to be factored in, because with some of that stuff I suspect we will not go back to living our lives completely as we did before. People will want to take the good bits that have come out of some of this, keep going with them and lose some of the other things that were not so great.

Q87 **Mary Robinson:** Do you have any particular asks that you think you would put in?

Paula Hewitt: I would really like to see more about homes that promote health, lifetime homes, and see the low-carbon homes agenda coming through. Also, it is about balanced communities and recognising that planning is about place-making, not just about delivering homes.

Q88 **Mary Robinson:** Is there anything else that anyone would like to offer?

Tony Mulhall: We made a suggestion. The Office for National Statistics is producing, on a constant basis, indicators of satisfying the sustainable development goals. We think the new planning system should be capable of tracking into those goals, so people can be connected to them and realise how well they are doing in supporting those goals, or how well they might need to do to increase the performance of their local area. Given the digital context we are talking about, this is all very connectable and seems to be all quite attainable, in terms of having rigorous monitoring of how each of us, in our own particular areas or sectors, are contributing to achieving those sustainable development goals.

Chair: Thank you to all our witnesses for answering that wide range of questions so very properly and helpfully to the Committee. Thank you all very much.

Examination of witnesses

Witnesses: Claire Dutch, Nigel Wilson, Ingrid Samuel and Steve Quartermain.

Q89 **Chair:** We will move on now to our second panel of witnesses. Could each of the witnesses introduce themselves?

Claire Dutch: Hello. I am a planning solicitor and I am partner and co-head of planning and environmental law at the international law firm Ashurst.

Nigel Wilson: I am Nigel Wilson, group chief exec of Gentoo housing group in Sunderland and the chair of Homes for the North, a collection of



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17 housing associations committed to development across the north of England.

Ingrid Samuel: I am Ingrid Samuel. I am historic environment director at the National Trust. I am also the director with lead responsibility across the town and country planning system, major infrastructure and how it impacts the trust.

Steve Quartermain: Good evening, everybody. My name is Steve Quartermain. I am a chartered town planner. Until March this year I was chief planner for MHCLG. Prior to that, before 2008, I worked in local government for 30 years, ran planning services, wrote plans and dealt with DM. Currently, I am engaged in a portfolio of activity, working for organisations like Cratus, hgh and Town Legal, and doing some pro bono work for the likes of MOBIE, the University of Kent and Women in Planning.

Q90 **Chair:** Thank you all very much for coming. I will go to Steve Quartermain first. I will not begin by asking you whether all the problems of the past are your responsibility in the role you had. With all your experience of the planning system in your previous role, until very recently, do you think what the Government are now trying to change is changing the things that need changing?

Steve Quartermain: I was going to say that I am not marking my own homework here. I had no direct involvement with this current White Paper, although I suppose I would like to take some credit for some of the thinking I agree with. There are some good things in the White Paper. Who would argue against faster local plan-making, quicker decision-making or a simpler local plan process? The idea of having some centralised DM policies has some merit. The emphasis on design and creating great places is all there, lacking in detail but there in good ambition, and trying to fix some of the things that need fixing.

There is a misplaced emphasis here on an idea that the system is failing and is broken. As a professional planner, it always grates when people talk about the system being broken and it not working, and planners being the enemy of enterprise. None of this is helpful. Listening to the previous panel, we should celebrate the role that planning can play and the role that local elected members, planning committee members and the people who are making visions for their area can play in making a difference to people's lives.

If there are problems with the planning system, it very often comes down to two things. Those are resources, which I heard the previous panel talking about in some depth, and, secondly, it is about political decision-making and the difficulties of making those political decisions. The thing I would argue is missing from the White Paper at present is a clear statement as to what the Government think the purpose of planning is. If they can set out what they think the purpose of planning is, they should design a system that delivers that outcome, rather than, as the current



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White Paper does, talking about, "We need a better system than the previous system". That is an argument that has been going round and round. Every four years, someone invents a new planning system.

The argument does not stand scrutiny because our current system delivers good outcomes if it is well resourced. There are some great, quick decisions being made. Some great places are being made. The system works if it is well resourced. That is not to say that I am a blind defender of it. It can work better. As I said before, there are quite a lot of good ideas in the White Paper. The Government should be clearer about what they expect the planning system to do. We heard some of the previous witnesses talking about great place-making, the healthy places and the jobs beyond just housing. That is what planning is about and, if you will indulge me, going back to the John Burns quote when he introduced the very first planning Act in 1909 about trying to create great places, salubrious suburbs and pleasant towns. I would argue that it is that sort of ambition that should be in legislation.

Q91 Chair: I will move on to ask a couple of questions to other witnesses. If anyone wants to come in at the end of the questions, I am happy to accommodate. Claire Dutch, Steve Quartermain just talked about not wanting to throw the whole system away. You have commentated that these proposals do not do that. They look radical but, in the end, much of the current system remains. Do you think the change should go a lot further?

Claire Dutch: No, I do not. There are the bare bones of what the White Paper is saying. We still have plans. We still have planning applications. We still have permitted development rights. The bare bones are still there, but what is being proposed is radical. It is almost utopian. It is broad-brush. It is quite crude and simplistic.

My big concern with it is practicalities. Is it deliverable? I do not think it is, certainly not in the timescale set out by the Government. It would take a herculean effort to get all this in place by the end of the parliamentary term, in terms of upskilling, resources and a culture change about how we see plans, the role of local authority and policymakers. I question whether this is the right time to take on such a root-and-branch reform, when the economy is on its knees and we have Covid and Brexit.

I would agree with everything Steve said. The system we have at the moment gets a lot of criticism. Since I have been in planning, everybody always criticises the planning system, but it is robust. We have a robust legal framework in this country and, by and large, it works. It is not resourced properly. That is the biggest thing, and I know everybody said that on the previous panel. It is not resourced, and it is complex and cluttered. There is a lot to it. There is a lot of law and legislation. Some of it needs to be simplified.



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We do not need to throw the baby out with the bath water. The main thing is resourcing to make the current system work. That would make a big change. Digitisation as well would be a very good thing. It would drag this paper-heavy, human-resource-heavy system into the 21st century and perhaps even encourage some of the youngsters to get involved in the planning system.

Q92 **Chair:** I will pass over to Nigel Wilson from Homes for the North. The title gives it away, does it not? I presume you want to build homes in the north. Would these changes to the planning system enable you to do that?

Nigel Wilson: As they currently sit, there has been lots of discussion in regards to, as it is called, the algorithm and the numbers and the shift, as we know, in regards to that. As it stood, it would see less numbers in the north, which we obviously do not appreciate. We do not think that helps address the issues we want to in terms of levelling up. We believe there is a strength. If you marry up the housing infrastructure with the economic infrastructure and the growth that is required to build the recovery out of Covid and meet the challenge of Brexit, we need to provide the homes that meet the economy. We need to tie those things together.

As the last panel and colleagues have just said, the planning system works, but we are in danger of not having the focus we need to get it in the places we need: the forgotten towns, the reformatting of those town centres and how they can provide a housing solution that addresses wellbeing, the economy and gives people the aspiration and hope they need.

We still have a massive digital divide. Covid has shown us that, certainly in our areas in the north-east. There are very slow internet speeds and real challenges around that. New infrastructure is required that embeds that. We want to see a digital system for planning, but we have to make sure people can connect to it and do not end up in that horrible stuttering state that we get to sometimes on calls like this.

There is an opportunity with the planning system to level it up. We have to make that. We have said in our evidence submission that we want to see a special fund set up that ties with the work that was previously done by the Northern Powerhouse Independent Economic Review. We believe that we should tether that with a specific levelling-up housing fund and have clear targets we want to achieve.

There was discussion in the last session about 106 and the potential separation of affordable and social housing. We all know that we absolutely need that. As housing associations, we are seeing increasing demand and call for that. We want to be able to provide all across the need for people, whether it is home ownership or rent. To do that, we need to make sure we are using all the tools in our armoury. To take one



away would hobble us for a considerable time, and I do not believe we can afford that in this country.

Q93 **Chair:** Ingrid Samuel, are there any of those points you would like to come in on?

Ingrid Samuel: Steve made an interesting point about Government needing to decide what they think the purpose of planning is. In that planning White Paper, I think it is pretty clear what they think it is; it is about housing delivery. I agree with the points that Claire made around it being resource and paper-heavy. I do not think it is particularly revolutionary. It is still based on local planning and local decision-making. That is really important, although we could talk a bit about the central housing algorithm.

The big challenge here is twofold. First, somehow this proposal manages, from a heritage and natural environment point of view, to both be overprotective and underperform in terms of ambition. By that, I mean that there is a very welcome commitment to protect designed landscapes. The Secretary of State has demonstrated his personal interest in heritage. We need to do more than throw a protective barrier around a set of conservation crown jewels just in some protected areas.

Chair: We will come on to protection specifically later in the questioning, if that is okay. Let us move on to the whole issue of public engagement. The role of local communities and the say they have in this new process has been raised by a number of witnesses.

Q94 **Brendan Clarke-Smith:** Good afternoon, everybody. Claire, your firm has described the shift of public consultation to the local plan stage as, "Speak now or forever hold your peace". Do you feel that the proposals in the White Paper will reduce effective public engagement?

Claire Dutch: They possibly could. There is a big shift to making the plan all-important. The plan is going to be, if the system works, more granular, setting the actual rules. If the system works, the planning applications will follow those rules. There will be a big tick and the developers will get their planning permissions.

Historically, the community does not tend to get that interested about local plans, because they are general. There is something going on at the council. They get very interested if a planning application goes in at the end of their street for a four-storey building. Everybody is looking at the plans on the internet. They want to see what it looks like, where they are going to park their cars, and the community gets interested in that.

I am not sure that the community suddenly starting to be interested in the plans is going to happen. It may happen with the increasing digitisation, maybe. It may happen if the plans are more granular. There is a lot of scepticism, certainly among my clients, about whether these plans will be able to deliver the level of granularity, the detail, height, scale and massing that they are supposed to deal with, and whether they



will actually be quite broad-brush and it will all be watered down. If they are watered down, we are not going to get that level of community engagement that we would get with the application side of things.

Q95 **Brendan Clarke-Smith:** Following on from that, one of the apparently fundamental changes that has been proposed in the White Paper is this automatic granting of permission in growth areas. You have commented that, even where the plan grants outline permission, the developers will still have to go in for reserved matters. Is this change as fundamental as it may seem?

Claire Dutch: It sounds good but there is concern that, again, the plan will not give the amount of detail currently given for an outline permission. It will be what we used to talk about in the old days as a bare outline. If a developer has a bare outline saying land can be used for housing, it is just shifting all the detail of that development scheme into a reserved matters approval.

The second point is that my clients, particularly the developer clients, think the plan will not go far enough. They might have a bare outline. They think the plans might be too conservative. Even if they do set height, scale and massing in more detail, they are thinking, "It is not going to give us the density we want. We will still be going in with planning applications that do not conform with the plan. We will still be going to appeal if those planning applications are not determined". There is quite a healthy level of scepticism about this utopian outline position being good enough to developers.

Q96 **Bob Blackman:** My apologies for joining late; I have been in the virtual Chamber experiencing fascinating exchanges with the Prime Minister and the Health Secretary—more of that later. Can we look at the omissions and strategic vision that maybe our witnesses consider to be a problem here. The British Property Federation has commented that one of the things missing from the White Paper is any mention of commercial property. How do you react to the criticism that the White Paper simply concentrates on housing delivery and does not take into account other types of development?

Claire Dutch: I would completely agree with that. It is very housing-focused. It has scant detail at all on employment and infrastructure, and it is not just that, not just the other types of development. There is hardly anything on London, our capital city, and not enough on the environment. There are some gaping holes in this White Paper.

Nigel Wilson: It would be very hard for me not to welcome a focus on housing because that is what we are about as a business. Clearly, we have a housing crisis in the country, as everybody knows. As Claire just said and as I tried to say earlier, we have to have these things joined up; otherwise we are just continuing to have this disjointed approach. As Steve said earlier on, it is not that we have a broken planning system. We can improve it. We have to find a way that improves it by joining



things together at a local level, increasing the democracy and engagement of people with it. This has to be about jobs as well. It has to be about those places of employment and how we reshape and remodel some of that.

Ingrid Samuel: One thing these proposals miss, at a fundamental level, is the importance of the planning system as a tool to deliver the future that we want and need to deliver on key national priorities, such as the role that planning could play in solving the environmental crisis as a mechanism to support delivery of the 25-year plan, to support the challenges we face around climate change. It is very weak on planning at scale, whether that is about regional delivery for housing and jobs or catchment ecosystem scale. It is more or less silent on local nature strategies and local nature networks.

It does not really take into account how planning can help to accommodate the future shifts in the agricultural system we are going to see, allowing land managers to diversify and deliver environmental goods and services along with food. A huge oversight is that the obligation for biodiversity net gain is missing around major infrastructure and DCOs more generally. It is very weak in all these areas.

The biggest thing it is missing is detail and information. It sounds frivolous, but it is a really serious point. The policy and practical details of how this is going to be implemented will make the difference between a system that delivers appropriate outcomes for this nation and something that creates irreversible harm. Our single biggest ask of this Committee is to ask Government to take the time and involve the expertise right across the spectrum to get the detail right and maybe ask them to make a commitment on consulting on that detail. A dose of realism is another thing that may be missing, about timing, sequencing and investment.

Q97 **Bob Blackman:** I will come back to our other witnesses about one or two other things in a minute. Ingrid, there is no mention of some things that might affect your organisation, such as mineral extraction, energy networks going across particular specialist housing, which might be appropriate either for particular types of workers or elderly people, and transport considerations. We could also talk about gypsy and traveller communities, which obviously affects open land in a particular guise. If there is one omission that is most important in all this, what is it?

Ingrid Samuel: That is a tough one. I would probably say it is around planning at scale. The duty to co-operate has never worked. I suspect we will have questions that come on to this.

Bob Blackman: Yes, that is coming up.

Ingrid Samuel: From an environmental perspective, that is absolutely and fundamentally what is needed to tackle the challenges that we face. The lack of that is the single biggest failing in this space.

Q98 **Bob Blackman:** That moves us neatly on to Steve. There is obviously



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the issue of omissions. In particular for you, you have said that you expected to see more on the replacement of the duty to co-operate and that we need to bring back a strategic level of planning. Is that not two parts of the same issue? Is it not the issue that the lack of policy is at greater than local plan level? Are the metro mayors, combined authorities and the various joint plans the way forward for strategic planning, or do we need something else?

Steve Quartermain: There could be. First of all, I agree with the previous three speakers; it is worth me making that point. I mentioned the purpose of planning because, although of course housing is important and we need a focus on it, planning is about more than just housing. That is my point. Planning is about more than that, and it is also about more than just the local. You are right that there are local governance issues, such as devolution and the role of mayors, that may have a parallel role in how a planning system is delivered. My biggest challenge has been about how we get people to think strategically beyond administrative boundaries, whatever they are—whether they are unitary authorities or combined authorities—because some things need bigger than local thinking.

We are the only country in Europe that does not have a national spatial plan. You do not necessarily need a plan but you need national planning. As someone said earlier, although we do have a national plan for the environment and a national infrastructure plan, we seem to lack some broader thinking spatially about how we think this country is going to look in 30 years' time. We need to recognise that that is a requirement.

Q99 **Bob Blackman:** Nigel, what do you think the most important omission is, if you could only pick one?

Nigel Wilson: Picking up on Steve's point, in our evidence we argued for an ambitious housing growth strategy for the north. That ties into that national thing. We think about the north and the potential that is there, but without that pan-northern approach, we are continuing to pepper-pot and have those discussions. This reaches right across the rural and into Cumbria, through the cities and metro cities and into those towns. If we had that broad-base strategy, we would then be able to have serious long-term discussions.

Picking up on the point from the previous panel where they were talking about whether you could have a 30-year plan, the reality is you need that long-term vision. You have to have that, which is then adaptable and movable depending on what goes on. If we had that, that would be really useful.

Q100 **Bob Blackman:** Claire, what is the most serious omission?

Claire Dutch: Commercial/employment use jobs. This country needs jobs.



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Can I just pick up on the duty to co-operate? The duty to co-operate is a big omission. The White Paper says we are going to scrap the duty to co-operate, and there is not a hint of a suggestion as to what is going to replace it. There is no doubt that the duty to co-operate has been very troublesome. It has caused the stalling of a lot of plans. Only last week the Sevenoaks court case came out on that, and St Albans have withdrawn their plan all down to the duty to co-operate.

Rather than throwing out the duty to co-operate, a practical way forward might just be down to better guidance and support for local authorities, with a tick-box guide, right from the inception of a plan to its adoption, about what they should be doing. They are swimming around, everyone is making mistakes and everything ends up in the courts. Perhaps there should be a unit set up within MHCLG, specifically on the duty to co-operate, to be advisory to local authorities. It could check in to make sure we are doing it right. My fear about bringing back regional planning and something like regional spatial strategies is that it is another resource-heavy, hungry layer of complexity back into the planning system. We should try harder to make this duty to co-operate work.

Q101 Ian Byrne: I want to touch on the protections of heritage and historic buildings, so I will direct this to Ingrid. In your written evidence, you suggested that further protections are needed. Do we need further specific protections?

Ingrid Samuel: Bringing world heritage sites into specific protections would be useful. It is less about further specific protections. What I was trying to say earlier was that the proposals somehow manage to be both overprotective and under-ambitious at the same time, which is quite a feat. There is some great commitment to protection which we very much welcome, but by putting a focus on throwing a defensive barrier around conservation crown jewels, whether they are natural or historic, and protecting those throws up quite a few different problems, the first of which is that even things in protected areas need investment and enhancement in order to progress.

We need to recognise that heritage is not a barrier to development. Historic England did some research that showed that 91% of applications with a heritage element to them got approval, and it did not have any appreciable impact on time. Heritage not only makes a contribution to quality of places but can also be an agent for positive change. A system that is based on up-front area-based allocations and more outline approvals needs to be quite good at heritage screening and impact assessments up front, as well as things like archaeology sensitivity mapping, which I know Historic England is working on.

The point about archaeology is important because the planning White Paper mostly thinks about listed structures and conservation areas. It does not say a lot about archaeology and the setting of historic structures. It needs to think much more broadly around heritage. It needs excellent data in order to get those up-front allocations right, and



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that excellent data just does not exist. One of the biggest things we could do is make historic environment records a statutory duty on local authorities, so that we get consistency and investment in them.

Even when we do our best to allocate things into the right places, there are going to be situations that arise where undiscovered archaeology emerges or where, for decisions that were taken at outline planning stage, we realise at detailed planning stage it is not the way to go. We need a system that can resolve that kind of conflict and deal with the unexpected.

Finally, I would go right back to what Steve said about resource. In the last 20 years planning authorities have lost 35% of their conservation officers and 34% of their archaeological officers. Resource is absolutely fundamental to making this system work for heritage.

Q102 Ian Byrne: I can see that Steve is like a coiled spring, but I just want to ask Ingrid a quick question. Under the existing planning laws, Liverpool is a really interesting example. We have the waterfront under the world heritage site, and there are plans to build a new stadium for Everton Football Club, which is causing some consternation with the potential loss of the world heritage site. Will the new planning laws make that decision easier and keep the world heritage site? Is there anything in the new laws that could facilitate that happening? I think we have lost Ingrid.

Steve Quartermain: I was going to make a quick comment about the tension you are illustrating between a rules-based system and the judgments that need to be made on issues of planning merits and historic merits. Claire mentioned earlier about outline applications, and you have to be careful you do not design a system that is so straitjacketed in rules that it acts as a barrier to innovation and to different views. A lot of people who do large-scale developments and buy their sites with permission already quite often change those to suit their own purposes. The same applies for heritage. It was said that 91% of applications get approved, and there are judgments that are made in dealing with that. You have to be very careful to have a rules-based system that straitjackets you into a way of behaving.

Claire Dutch: The White Paper does not deal with heritage in any great respect. It does not propose any radical new law that would help your issue about the Liverpool waterfront. We have an adequate framework for protection of historic assets in this country. It works, it does the job and we do not need to tinker with it.

Q103 Ian Byrne: That is quite definitive from your point of view. Nigel, would you like to add anything to that?

Nigel Wilson: No, not particularly. From colleague housing associations, I know that there are some great examples in the city of Liverpool, from my associations, that have worked to convert and protect historic buildings in the city. Gentoo has done work in Sunderland to do that, and



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we need to continue to that. We do not want to lose any of our heritage. I will not comment on Everton; that is too close to you.

Q104 **Ian Byrne:** I had best not either. Steve, Covid has highlighted the disparity in access to green spaces, and also the vital importance of access to green spaces. Should the planning system be taking more account of nature and green spaces, especially in those areas currently lacking access?

Steve Quartermain: The short answer is yes. That is partly my point about the purpose of planning being wider than just housing and my concern that the design code, which the Government are proposing to issue sometime this year, has to be beyond just the aesthetics of what things look like. It needs to be about how places work.

You are absolutely spot on that Covid, if it has done nothing else, has made us refocus on how we operate and the importance of our 20-minute environments, in terms of where we can walk to, the closeness of open spaces, the importance of our gardens and the ability to be able to walk to the shops and the like. We will see a resetting of the purpose of the high street and your local communities, because the long commute may well be a thing of the past.

I hope we come on to digital, because I am a great fan of the digital ambition in the White Paper. There is a lot of merit in that. In terms of meetings like this, you will want to have a hybrid, I am sure—you will not always want to do this, Chair—but there is a role for engaging more people in discussion. For something like this, I am speaking to you from my sitting room, and there should be no barrier to anybody doing that in the future.

We will see a change. Covid has brought about a new way of thinking, and I hope that some of it sticks. I hope we have wider pavements, more cycling and more green spaces. Trying to embed that idea that planning can deliver healthier communities is really important.

Claire Dutch: There has been a whole wealth of work undertaken by various bodies in the last few years on the link between health and planning. There is a direct link there with how we can place-make, et cetera. I am very surprised that the White Paper does not seem to deal with that at all.

Q105 **Ian Byrne:** Nigel, the Government have said that under their proposals any development proposals in the green belt will be treated as they are now. Are they correct?

Nigel Wilson: We have to be mindful of the need to look at how we use our space going forward, and we have to look at what the needs are. From a whole country perspective, it is very difficult to do that. From a local delivery point of view, we need to consider what elements of the green belt, if there are any, we might need to sacrifice. That is always going to be difficult. It is incredibly sensitive; we recognise that.



If we are able to develop away from that in other areas, whether it is redesigning and redeveloping post-industrial and other usage, we need to do that. There have been lots of discussions about brownfield, et cetera. We need that balance. It is not about ruling it out or ruling it in; it is about having that joined-up approach to looking at it, and that is about engagement. It goes back to Steve's point. Otherwise, we just end up with this, "Never on my garden" and "Never in my field". The country has to have a much more grown-up discussion.

Steve Quartermain: I am a big fan of the policy. The green belt is a great idea, and nothing I am about to say should undermine the fact that the green belt has an important function. Having said that, you have to look at how it has evolved from 1955 to where it is now, and you have to question whether or not some of the existing green-belt boundaries are still appropriate. There is scope for a wider review of the green belt, mainly to re-establish the purpose of green belt. One of my frustrations was that people would often talk about the green belt in qualitative terms, about whether a piece of green belt was green or pretty, and ask whether it could be replaced, totally misunderstanding that the green belt is a spatial policy. It is effectively keeping settlements apart. The quality of the land in between was not an issue. It is not an environmental policy, and people misunderstand that. The public think it is about the green in the green belt being green.

You have to ask why some of London's green belt is quite as wide as it is. It is 35 miles in some places. My understanding is that this is maybe because historically, when they set the inner boundary for the green belt, they asked the counties to set the outer boundaries, and of course they pretty much all went to the county boundaries. There is scope for revisiting this, not only in the south-east but elsewhere.

I will come back to my point that the fundamental role of the green belt is really important, and I would not want anything I have just said to undermine that. I am not entirely sure it is functioning as well as it should be. The answer is not to make more exceptions to allow development in it. You have to be very careful. If you open that door, where do you stop?

Q106 **Ian Byrne:** The key point would be about who reviews the green belt, would it not?

Steve Quartermain: Yes.

Ingrid Samuel: I am so sorry that I disappeared. I want to make a quick point about the green belt. The trust agrees it is such an important tool in terms of preventing urban sprawl, and development needs to be very carefully managed. In the context of the conversation we were having just before, with Steve talking about the importance of nature and nature near people, and how much Covid and lockdown has demonstrated not only how important it is to people but also inequality of



access for people, it might be time to revisit the nature of the green belt and what it is there for.

Originally there was something about public open space and recreational areas. What are the five purpose of green belt today? Is it more about beneficial use? Should we be asking our green belt to deliver more public, benefit, to deliver better quality of land for biodiversity and to deliver more access for people to help us to tackle climate change? I would love to see Government think a bit more about how green belt can contribute to the delivery of local nature recovery networks, how funding from things like ELMS and biodiversity net gain can help green belt to deliver more. That may take some of the heat out of some of this debate. If elements of the green belt are delivering much more, that might make it easier for some elements to be used for other purposes.

Q107 **Ian Byrne:** That is a really good point. There are many uses that we could integrate into that, but I am sure that is open for discussion. Claire, would you like to come in on the green-belt debate?

Claire Dutch: I will not repeat what has been said because I agree with most of it. There is absolutely no doubt in my mind that it is time for a grown-up conversation about the green belt. It has been a taboo subject for so long. We cannot fit all the housing we need in these urban footprints, particularly in London. The fact we have green belt within the M25 quite frankly seems bonkers, and we need to look at this again.

Q108 **Brendan Clarke-Smith:** I have a question for Ingrid on design and beauty. Most of our most cherished buildings were built using pattern books and following strict architectural rules. If this method helped produced beautiful and historic homes in the past that are worth preserving and so on, why should we not use the same methods for creating homes of the future?

Ingrid Samuel: That is an interesting question. Two things are important here. First, good design is not just about aesthetics. It is not just about how things look but how a place or a home works and feels. It is as much about how people can navigate, how they feel safe and their connection to green space as it is about aesthetics.

In terms of being popular and replicable, it is also really important to remember that what people value about places is their differences, their local character, their heritage, exactly as you say, but also building materials, massing and all kinds of things. What works well in one place will not necessarily work well in another place. It is not clear to me who decides what is popular and replicable. In terms of marking their own homework, are house-builders going to decide, "This very popular and replicable for me. I can sell this"? There is something about what we actually mean by that. I am not saying there is nothing in it, but it needs to be unpacked quite a bit more in order for it to make sense.



Good design is an iterative process. It needs strong legislation and support. The trust is very supportive of a new independent design body, with chief officers for designation and place-making in local planning authorities. That needs a broad remit around landscape and heritage as well as architecture and design. Skilled staff are really needed. There needs to be a breadth of skills in local authorities in order to respond to design. Those things would help a lot more than a popular, replicable tick-box exercise.

- Q109 **Brendan Clarke-Smith:** Moving on to some of the written evidence that we had, the National Trust evidence stated that “Beauty cannot come at the expense of well-designed, accessible and sustainable buildings and places. Aesthetics and style are important, but people’s emotional response to place is built on other factors, including how easy a place is to navigate and use and how safe and comfortable they feel, as well as how it looks”. Based on that, do you disagree with the view voiced by your former director-general, Fiona Reynolds, who said, “Yet in losing the word ‘beauty’ we have lost something special from our ability to shape our present and our future”?

Ingrid Samuel: I absolutely agree with Fiona. Beauty is important; it is just not the only thing that is important. I think Fiona would absolutely say that herself. Fiona has a strong instinct and years of experience in place-making and understanding the importance of other things alongside aesthetics in order to make really great quality places. Beauty is important and we should not shy away from it.

- Q110 **Chair:** Claire, it has been said that, if the proposed changes are carried through, it will mean considerable legislative change, and a lot of the planning system at present is based on case law. All of that will have to be unravelled and no doubt tested again in the courts as we go along. Is this not something you should be welcoming with open arms? Lawyers are going to do wonderfully well out of this, are they not?

Claire Dutch: While we still have a system of judicial review in this country, lawyers will still be involved in the planning system, whether you like that or not. Clients, particularly large developers, will want lawyers to be involved in the planning process to de-risk it and to check that their applications and planning permissions are JR-proof.

You are quite right that if the level of legislation that is promised comes out of the Government, there will be uncertainty and a flurry of judicial reviews. We see that all the time. Last week we had a decision on the use classes order, and the new permitted development rights have been through the courts. When this system beds down, there are possibly going to be fewer judicial reviews but the focus will be different. The judicial review will be against the plan, because the plan sets the rules rather than the individual applications, which, if it works, are meant to be just following the rules. There is a problem with that, in that JRs against plans are more debilitating for the process, because, if you have a



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successful judicial review against a plan, it can stop it in its tracks and stymie development generally in that area. That is going to be an issue.

Lawyers also play a role in planning appeals. For the reasons I said before, we will still have planning appeals, because clients are saying to us, "This plan will be watered down, the rules will not give me what I want in terms of density, height, scale, massing, et cetera. We will end up putting out a planning application and appealing". Lawyers, regrettably for many, will still be involved in the system. The JRs against plans does worry me.

Q111 **Chair:** One thing being suggested is that the White Paper and other proposals are very general and people seem to have different interpretations about what they will mean in practice. Do you think there is therefore a case for a second stage of consultation on the details and the wording of what is going to be introduced? One way to do it might be to put the Bill that is eventually produced in draft form, so that that could be subjected to pre-legislative scrutiny, probably by this Committee but with lots of other people contributing to it.

Claire Dutch: Yes, absolutely and definitely. My one comment about this White Paper is it is so broad-brush; the detail is not there. There are big utopian statements. We do need a second level of the detail on a whole host of topics, such as environments, the infrastructure levy, how the plans are going to work and resourcing.

Steve Quartermain: I agree. It is so lacking in detail that without that it is going to be very hard to answer the question, which we should all ask, of how this works. If you cannot answer that question, the utopian statements about how this is all going to be better, faster and quicker really become empty statements. You need to know how it works, and at the moment, in quite a lot of the areas, we do not.

Can we get a plan done in 30 months? It would appear that we can only if the figures have been agreed before. How long will it take to agree the figures? The White Paper has not answered these questions, and I would be very surprised if we can move to a new system without another layer of consultation.

Q112 **Chair:** I will move on to levelling up. There are two aspects to levelling up. I just want to make sure we have the appropriate responses for them. We have had some evidence from cities asking why they should be building houses in Hull and Blackpool where nobody wants to live in properties, as there are plenty of homes there already. They ask whether we should be building them in the pressure areas where there are simply not enough homes for people who want to live there. How do you answer that? Why should we listen to your arguments that the current assessment of numbers puts too much emphasis on building in the south and not enough on the north?



Nigel Wilson: The evidence that we garnered and submitted demonstrates a need going forward. I go back to my previous discussion and argument, which is that this is linked to the plan around the economic growth strategy. You cannot have an economic growth strategy if you cannot house people who need to provide that economic engine for the country's recovery. One of the things we have said and has been part of Homes for the North's mantra is that a strong north benefits a strong south. A strong south on its own will not benefit a north, and we know this from the forgotten towns and the communities that need that opportunity to grow and develop. As the Government have recognised, levelling up is critically important to the whole country's recovery.

It is not about whether we build another 100 homes in Blackpool or Hull; it is about how we allocate those resources across the north to make sure we are meeting that future need and providing the right homes. There has been plenty of discussion today around the need for good homes that benefit wellbeing and provide great places. One of the key things is how we address the regeneration of some of the cities and towns, because the stock they have is never going to meet the forward aspiration of zero carbon and the rest. How we then replace that and how we tackle some of that remediation that is going to be required on some of those brownfield sites to bring them in again goes to the heart of the economic argument.

The discussions that are going to come from the Chancellor's statement about reforming the green book, which will allow investment in the north to be more beneficial and get a view from the Treasury, are critically important, as will be challenges to the 80/20 rule that you see from Homes England, in terms of their forward investment. That allows that investment to be better spread and more equally dispersed, to allow that growth and those homes to benefit the communities that are there.

One of the things mentioned earlier by Bob was around specialist housing in older persons' accommodation. It is critically important we look at all those aspects and do not lose sight of that, because we only have opportunities every so often to provide this change and new opportunities. That is critically important for us. We need to talk less about those individual places and more about the whole approach and ensuring that we get that fair distribution.

Q113 **Chair:** I was not having a go at either of the places. It was simply something that was mentioned in evidence to us; I just want to make that clear. Throwing it back to Steve and Claire, with the whole idea of having housing needs assessed from the centre, is there a tension there with localism and letting communities decide? Going back to the lawyer fees issue, one of the things at present is that lots of the inquiries into local plans are simply bogged down in arguments about housing numbers, and there is lots of money for consultants and lawyers in the process. Is there a case for a standardised method of housing needs assessments, or are there concerns about it that we ought to be aware



of? Steve, you have been in there and looked at that from the centre.

Steve Quartermain: There is some merit in having a standardised approach. A lot of heat, time and money was taken in previous examinations, both with the local plan but also then repeated at appeals, about whether the methodology was correct and whether the numbers were the same. Having a standardised approach has merit.

The issue is, if you have a standardised approach, who then arbitrates, churns the handle and comes up with a figure. At the moment it is proposed to be a centralised Government figure, which would be handed down. There is no detail and no real understanding about how that will take into account environmental constraints and the capacity of the environment to take development, yet there will be a figure handed down.

It comes back to the point that Claire was making earlier about public engagement. If you have a system that is going to have a plan that has figures in it that are handed down from a centralised Government, and which has rules given to it about how that development will take place, what is the role of the community? How can people get involved and shape and influence where they live? Going forward, what is the role for things like neighbourhood planning? By the time you get to this level it has already been determined and decided. There is a real issue: you can have a standard methodology but you do not necessarily have to have a standard methodology applied by Government. That is where the tension will lie.

When Claire was talking about communities, I meant to mention that you should always remember that communities churn. It is not necessarily the same community that is living in your patch when you are dealing with an application as the community that was there when you were dealing with a plan.

Q114 **Chair:** Steve, let me challenge you a bit. You said we can have a standard methodology, but a standard methodology has to be that, does it not? You cannot have a standard methodology that is then subject to every community deciding whether they want to change it.

Steve Quartermain: No. I am not arguing that you should have a community changing the standard methodology. You should have a standard methodology that is applied locally, and the communities can decide where that growth should take place.

Q115 **Chair:** That is a fair point. I understand the distinction. Claire, do you want to come in on that point? I am sorry to have a go at lawyers again. You are fair game, are you not?

Claire Dutch: We are always the butt of everybody's criticism; we are used to it. We all like the standard methodology; it completely makes sense. The question is about who determines it. Is it top-down, or do communities come up with the figure? For the communities coming up



with the figure, it has not really worked. Like you say, inquiries have been bogged down. I would favour the top-down approach, to be honest. We clearly have not got the algorithm right; the figures coming out are not right, so it needs fine-tuning. We need a top-down approach, and the issue that is left in the White Paper is about what the sanctions are on local authorities if they do not come up with the number. That is a whole other issue

Q116 Chair: We could spend a long time discussing that but we do not have time today. That is a very fair point to raise. We have just about got through all our questions. Is there any specific issue that you think we have not touched on and that you are absolutely burning to tell us about, which you think is central?

Steve Quartermain: I talked about the digital ambition in the White Paper. It is important to bear that in mind. There is a huge opportunity for planning to move into a digital process, and that is not just about dealing with planning applications quicker. It plays into the argument I put forward about having a bigger than local planning. If you had a digital platform on which data could be held for the whole of the country, whatever it is, whether it be flood zones, heritage assets, population figures or demography, you could have all of this on a digital platform. One benefit is that it allows for bigger than local planning. The other benefit is that it is much more accessible. It should be there for everybody. It is not just backroom stuff that the planners have. It will be something that will be there for everybody to look at and to be aware of. The digital ambition of the White Paper is one that should be invested in.

Ingrid Samuel: I completely agree with that last point. It needs to be three-dimensional, for non-professionals, to enable them to visualise the impact of proposals. That 3D opportunity is possibly transformative, but it is going to need up-front investment to make it work, and the Government need to take that seriously.

Chair: That is a very fair point. We have had that view about the need for resources in the system expressed several times. All these challenging new ideas and ways of doing things could be great, but the money has to be there if they are going to work.

Thank you all very much indeed for coming to give us evidence today. It is really appreciated and has given a lot of very good information for the Committee to work on when we come to produce our report. Thank you very much.