

Dr Hugh Ellis, Director of Policy, Town and Country Planning Association – Written Evidence (LUE0045)

1. About the TCPA

The Town and Country Planning Association (TCPA) works to challenge, inspire and support people to create and transform communities so that everyone thrives in socially just, healthy, sustainable and resilient environments. To this end we aim to improve the art and science of planning in the UK and abroad and work to secure fresh perspectives on major issues, including planning policy, housing, regeneration and climate change. The TCPA is committed to positive democratic planning as a vital way of guiding our response to the challenges facing England. The 2018 Raynsford Review¹ set out a blueprint of how the current system could be repurposed to achieve sustainable development and rebuild public trust and the TCPA remains committed to those recommendations.

We recognise that the terms of reference of the inquiry are, rightly, wide ranging and our short submission focuses on what we regard as the key issue about the future management of land use in England and the specific role of democratic planning in that process.

2. Introduction

The TCPA strongly supports the House of Lords Land Use Committee's investigation into the current and future management of land in England. It has been almost 50 years since any government has set out a policy for how land should be managed for our collective future². It has been 85 years since a government has sought to implement the recommendations of a comprehensive Royal Commission on land use³. Ironically, we have never had so much data on land use and its implications, some of which is being unlocked by new digital tools. The Foresight Report⁴ on land use in 2010 is one example of richness of our analysis. While we are, however, 'data rich' we are 'action poor', partly because of the lack of a holistic development goal for land in England and a comprehensive regulatory approach to deliver that goal.

While there have been streams of national policy on housing, the environment and a continuous process of planning deregulation, none of these strands have sought to holistically address how we should approach

¹ <https://tcpa.org.uk/resources/the-raynsford-review-of-planning/>

² 1974 Community Land White Paper. <https://discovery.nationalarchives.gov.uk/details/r/C11442906>

³ The Barlow Commission was a royal commission established in 1937 and provided one foundation of the post war planning system.

⁴ <https://www.gov.uk/government/collections/land-use-futures>

the stewardship of our scarcest resource over the long term. Given that land is so central to almost every public policy issue, not least levelling up and decent homes, it is odd that successive governments have avoided publishing a comprehensive policy statement on the principles by which land should be used in the public interest and, particularly, how to address the pressing issues of inequality, climate, biodiversity and the long-term achievement of sustainable development.

3. Land: our scarcest resource

Land, and the multiple services it provides, is the foundation of our economy and critically important to our physical, mental and spiritual well-being. It is not simply our most important factor of production, it is vital to the future of our ecosystems and so to our survival as a species. Traditionally land has been regarded as one of the few resources which is fixed in terms of its extent and its innate geographic characteristics. Unlike other resources in the economy there is no opportunity to 'make more'. However, in the last decade the amount of land in England has begun an inexorable decline as a result of impacts of climate change. This decline is most obviously seen in terms of rising sea levels and as this process accelerates, we will need both a systemic change in our level of flood defence and to manage the abandonment and resettlement of some communities. As our absolute land area declines the competition for the use of land will intensify. This will be driven by demographic change and competing demands for resources such as energy and food production in an era of global insecurity. The quality of our remaining land is also a growing issue with the decline in the productivity of soils and increased nitrate pollution.

So far as there is a debate about land use in England it often tends to focus on the fraction of land which has been developed for urban uses. The Government's own statistical release⁵ reinforces this view by stating that a total 8.3% of England is of a 'developed' use while 91.5 per cent is 'non-developed'. However, the vast majority of land in England is 'developed' for intensive agricultural (63%) or other uses with only a marginal fraction in what might be described as in a wild or undeveloped state.

Land is therefore an extremely scarce resource under growing stress from competing development pressures. In this context it is vital that we find a way of managing this precious asset in a way which offers future generations the possibility of a decent life. The management of land inevitably raises distributional questions as to who benefits most from land ownership and the degree to which citizens should have basic minimum rights over land. These debates are much more advanced in

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/900910/Land_Use_in_England__2018_-_Statistical_Release.pdf

Scotland where land reform remains, rightly, an important political question. The TCPA is supporting Incredible Edible's⁶ 'right to grow' campaign, which demonstrates the value of unlocking land for community food growing to support people's health and well-being.

The simple problem is that there is no overall approach to the management of land in England and this leaves us critically unprepared for the challenges we know will dominate our future. This approach is not fit for purpose and a new approach to land use is urgently required. The corner stone of the solution should be a national land use strategy supported by an English Land Commission. This should be based on successful approaches of other nations both in the uk and internationally and is explored further in section six below.

4. The nature of the challenges

The nature of challenges facing land use in England are well documented. We note that much of this data is spread across governmental bodies such as the Adaptation Subcommittee, the Environment Agency, the Office for National Statistics and the National Infrastructure Commission and there would be significant benefits in a single entity which could compile and digitally publish our national land use data. The current condition of England can be framed around four important interlocking geographies:

- i. Environmental geography** as defined by ecosystems, catchments and landscapes but driven overwhelmingly by the increasing impacts of climate change and the crisis in biodiversity.
- ii. Economic geography** driven overwhelmingly by the dominance of the South East with a particular spatial concentration of financial service and technology businesses. The levels of economic disparities in England are stark and well document by bodies such as the UK 2070 Commission⁷.
- iii. Social geography** driven by significant social inequality as reflected in the findings of the Levelling up White paper⁸ and particularly the starkly different health outcomes between places and regions.
- iv. Political geography** which partly reflects varying political allegiances between cities, suburbs and countryside but also includes a remarkably chaotic organisation of local government and attempts at subregional planning. As a result, there **is no alignment between our political and functional geography**

⁶<https://www.incredibleedible.org.uk/>

⁷ <https://uk2070.org.uk/2020/02/26/uk2070-final-report-published/>

⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052706/Levelling_Up_WP_HRES.pdf

which means taking action at the local level on cross boundary issues such a flooding is much more complex than it could be.

While the House of Lords inquiry is focused on land use in England it is important to recognise the wider global context of our nation's future. The impact of both global economic and environmental change will have key impacts on patterns of migration, food and energy security and levels of investment. The UN Environment Programme's publication *Global Environment Outlook 6*⁹ provides a detailed scientific justification for these concerns and recognises 'a *deterioration in planetary health at unprecedented rates, with increasingly serious consequences, in particular for poorer people and regions*'. The effect of these global impacts will be to amplify the pressure on land in England by driving, for example, the need for greater energy and food security and driving powerful patterns of migration.

5. Our current approach to managing land in England

There a five principle issues which define our nation's current approach to the long-term management of land.

5.1 There is no clear national objective for land use - There are a number of separate strategic objectives set out by government for issues such as the natural environment, housing and economy but no single expression of how these often-competing pressures will be holistically managed around a long-term development goal for England. This reflects a simple reality that our dominant economic model is based on the notion of perpetual growth and the continued exploitation of our finite resources. While sustainable development is the obvious alternative development goal and the government has international commitments to implement the United Nations sustainable development goals¹⁰ these do not form the operational basis for decisions and key regulatory regimes such as town planning. The clearest example of the lack of governmental commitment for sustainable development as an overarching goal is the failure to update the 2005 Sustainable Development Strategy¹¹. The clearest example of why sustainable development does not feature in actual decision making is the absence of any commitment to the concept of environmental limits in key documents such as the National Planning Policy Framework.

5.2 There is no land use strategy in England - Government does have a range of policy documents including the National Infrastructure Strategy¹², the National Planning Policy Framework (NPPF)¹³ and the 25-

⁹ UNEP GEO 6 Report 2019. <https://www.unep.org/resources/global-environment-outlook-6>

¹⁰ <https://sdgs.un.org/goals>

¹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69412/pb10589-securing-the-future-050307.pdf

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938539

year Environment Strategy¹⁴ which relate to land use management. None of these, however, set out an overall land use strategy or clear development goal for the nation and none of them is spatial. A successful strategy would be defined by a long-term development goal and a spatial expression of what this means at a strategic level for the diverse communities and geographies of England. The NPPF appears to be the most obvious equivalent but applies only to one regulatory regime and for the reasons set out below has very limited powers over most land in England.

5.3 There is no unified regulatory approach to land use in England - If the government's objectives for land use are fragmented across a number of strategies, then so too is its approach to the regulation of land. Agricultural policy and payments, forestry policy, infrastructure investment and town planning all have major impacts on land use but none of these instruments are integrated. This results in perverse outcomes. Perhaps the clearest demonstration of this problem is the fact that the planning system plays a critical role in developing the resilience of communities to flood risk but has absolutely no control over land uses in upland areas which have a significant impact on water flow rates. It has no power to ensure the development of natural flood defences or control changes in agricultural land use that may have a detrimental effect on flood resilience. England has a range of institutions and government departments which reflect this fragmentation over land use control from Natural England to the Environment Agency to the National Infrastructure Commission. None of these bodies has any overall responsibility to develop an integrated regulatory regime for land use in England.

5.4 There is no systematic mechanism for managing land use change at a more than local spatial scale - The structure of planning regulation has to reflect, at least to some extent, the functional geography of a nation. The lack of any coherent strategic planning for the whole of England limits our capability to implement key solutions to the many issues which play out at landscape or catchment scale. The TCPA was strongly opposed to the abolition of strategic planning in England in 2012. We set out the case in the Raynsford Review as to why this had made the management of a range of issues including climate change much more complex. One example of the challenge is the management of coastal realignment between the Humber and the Thames where around 30 district councils who share the same strategic challenges of sea level rise and coastal realignment have no strategic planning framework. When, as is now inevitable, significant populations have to be moved it is unclear how that relocation will be managed. Unlike most other advanced

economies England has neither a national nor regional strategic planning approach. Those strategic plans that do exist in London or result from other devolution deals all have differing legal weight and scope and do not amount to a logical national approach to managing our future.

5.5 There is no forum for engaging public debate on the future of land use in England - The absence of overarching development goals or a strategy for land use in England means that there is no arena for public debate about the issues confronting our collective future. While public involvement in high level strategies is not easy it is curious that the government has not tried to promote any form of public conversation. This is in sharp contrast to other regions and nations of the United Kingdom. There are important lessons on how public participation can be achieved in relation to the development of national spatial strategies from the experience of the Welsh Assembly Government¹⁵. Other important questions of land and how it is used for public benefit are not part of the mainstream political debate in England. By way of contrast in Scotland the Land Commission is the focus of a much more creative debate about access to, and distribution of, land assets¹⁶. In England the debate is happening in some places, for example the Liverpool Land Commission suggested an entirely new approach to land for public benefit¹⁷.

6. Recommendations

6.1 Establishing an English Land Commission

The government should establish an English land commission based upon the Scottish model but with additional responsibilities including:

- i. To act as an English laboratory of land use data and have responsibility for publishing such data in an accessible form. This responsibility would be modelled on the function of the Committee on Climate Change and include a requirement for annual reports to parliament. The Land Commission would work with other national agencies (including the Office for National Statistics, the Environment Agency, Natural England, the Infrastructure and Projects Authority, etc.) to collate and map all the data that already exists and is essential for effective planning. This would include economic and demographic data and data on water resources, transport, flood risk, health, social exclusion, nature recovery and regional inequalities. The data should be presented in digital map form, made accessible to everyone and could significantly increase the efficiency of the planning process.
- ii. To prepare and update a land use strategy for England to be known as the national sustainable development strategy. **This strategy**

¹⁵ <https://cynnalcywru.com/the-wales-we-want-national-conversation/?cn-reloaded=1>

¹⁶ See [Home - Scottish Land Commission](#)

¹⁷ See [Land commission | CLES](#)

should be founded on the United Nations sustainable development goals and should encompass an update to the 2005 UK Sustainable Development Strategy. This National Sustainable Development Strategy (NSDS) would involve expressing on a map the planning implications of all the government's national strategies that are relevant to development, including the Industrial Strategy, the 25 Year Environment Plan, the Infrastructure Needs Assessment, NHS and public health strategies, etc. The NSDP would provide the opportunity, for the first time, to set out a national housing strategy that could indicate preferred areas of search for strategic growth.

- iii. To review the effectiveness and impact of our laws and policies relating to land, and to make recommendations to ministers on future land use priorities and future land reform measures, particularly with regard to citizens rights to access land for amenity and food growing.
- iv. To engage with the public on priorities for land reform, and work to support good practice in land ownership, management and use.

6.2 Short term restoration of democratic planning system

The TCPA recognises that establishing a land commission with comprehensive powers is a long-term goal. Other measures could be implemented more quickly to improve our approach to land management. The most obvious next step is to restore the powers and remit of the town and country planning system which have been significantly weakened over the last decade. The forthcoming levelling up legislation provides an opportunity to include a statutory purpose for the management of land use based on the United Nations sustainable development goals and other measures such as the restoration of strategic planning. It could also extend to the inclusion of planning powers over upland land use where these uses have direct impacts on climate mitigation and adaptation. The recommendations of the Raynsford Review provided detailed interlocking measures which could rejuvenate the planning system.

Even with the implementation of these measures the public planning service would require very significant investment in skills and resources in order to allow it to play an effective role in future land management. Measures would also be needed to deal with the chronically low morale of planners operating in local authorities.

6.3 Long term development of an integrated approach to land use regulation

The government should establish a Royal Commission to consider our long-term approach to land use particularly in connection with the climate crisis. This Commission should have a broad remit to consider powerful

new forms of planning delivery which might be needed to provide lasting security to vulnerable communities across England. Such a Commission should focus on binding together the powers of forward planning and delivery. It should also examine innovative forms of participation around these new planning bodies. The TCPA has set out how the lessons from Development Corporations can offer real hope of an effective mechanism for dealing with the climate crisis and we are happy to provide further details on our proposals if they are of interest to the committee.

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