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Summary of submission

1. Spatial planning has had a major and positive impact on land use in England. It has contributed significantly to containing the outward growth of cities and assisting with the regeneration of inner cities and of other parts of England. It has provided the land needed to house the growing number of households and helped to provide the mix of new housing needed, including new affordable homes, It has also ensured that our valued landscapes and historic and other highly regarded buildings are protected and conserved. It has contributed significantly to the integration of infrastructure with new development and captured some of the increased land value arising from planning consents to help fund this infrastructure and new affordable homes.
2. This success is now at risk because the current planning system has become less well equipped to deal with the new challenges that planning is expected to tackle, such as promoting bio-diversity, addressing the climate emergency and supporting the levelling up agenda. This has been exacerbated by the drastic cuts in resources for planning especially in the public sector. It now lacks the capacity to deal with the current system let alone the new demands placed on it. Reforms are needed to enable the system to respond adequately. These include ensuring staffing is adequate and that up to date local plans are in place everywhere set within a context of a national spatial strategy and regional plans.

Introduction

3. This evidence is submitted by a consortium of chartered planners working in academic practice who have come together to submit expert and independent responses to government consultations and parliamentary inquiries on planning and related (including housing) reforms. We have done so as we believe some aspects of reform proposals lack a clear evidence base or fully consider alternatives. We wish to draw attention to alternative ways to reform planning and related policies which we believe can ensure that the development we need happens in a sustainable way, in the places where we need it, and not least to secure the numbers of new homes required.

4. As well as being in academic practice, the contributors to this evidence (listed below) have also served in public policy capacities, including as chief executives and chief officers of local authorities, as chairs or directors of planning, regeneration and housing companies and as advisers to government and parliamentary bodies.

Our responses

5. We are limiting our response to those questions the Committee has posed in its call for evidence where we believe our input can be most helpful to the Committee. In our submission we are focusing on a limited number of issues: the purpose of planning, its governance (i.e. where decisions should be taken) and the resources it needs.
6. We are therefore specifically responding to this inquiry's questions 10 to 12.

10. What do you see as the advantages and disadvantages of the existing land use planning system and associated frameworks in England? How effectively does the system manage competing demands on land, including the Government's housing and development objectives? What would be the merits of introducing a formal spatial planning framework or frameworks, and how might it be implemented?

11. What lessons may be learned from land use planning frameworks in the devolved nations and abroad, and how might these lessons apply to England?

12. Which organisations would be best placed to plan and decide on the allocation of land for the various competing agendas for land use in England, and how should they set about doing so?

7. We have given evidence to a number of other parliamentary committees that have recently examined planning matters and draw on that evidence for our response to this inquiry. These inputs include our evidence to a House of Commons inquiry into planning reformⁱ, the latter's inquiry into permitted developmentⁱⁱ and a House of Lords Committee on the Built Environmentⁱⁱⁱ. We list the links to all these at the end of this submission.

The current planning system in England

8. Planning exists to address the significant failures in land and property markets and to ensure sustainable development patterns, types and interrelationships are secured. It:

- addresses the externalities of development (including dealing with negative ones but also nurturing positive ones);
 - ensures public goods are secured (such as open spaces, protecting precious landscapes, promoting good design); and
 - secures development that takes account of its long term consequences (such as ensuring development is sustainable and addresses spatial inequalities between and within our regions).
9. Importantly spatial planning plays an integrative role in bringing together the key elements of developments, ensuring for example that the necessary infrastructure to sustain new development is in place in a timely manner, including that needed to promote future developments. Finally, planning has also a significant democratic role locally by giving people a voice in both the management of change and in shaping future places.
 10. The fundamentals of our planning system have been largely unchanged since 1947 when development rights were nationalised: since when all qualifying development has needed planning permission to be granted by local planning authorities on the basis of their adopted local plans and other material considerations, with those refused planning consent having the right to appeal to central government. Because local plans have always had to take account of national policy, Ministers have a policy making as well as an appellate role.
 11. That is not to say that there have not been significant changes since 1947. National policy has changed with changing governments giving different emphases to desirable development outcomes, for example, changing from the emphasis on overspill policies in the early post war years to inner city regeneration in later years. Regional plans have at times been part of a cascade of plans from national policy down to local plans.
 12. There have also been changes in the role of local authorities as planning authorities with at times the responsibilities split where there have been two tiers of local government. Today it is either unitary authorities or the lower tier (in two-tier authorities in England) which have most planning responsibilities. Parish councils are statutory consultees and some plan-making responsibilities are exercised by local communities who have powers to draw up and adopt neighbourhood plans.
 13. In making plans for the future, planning policy is currently focused on securing competitive economies, creating inclusive communities through new housing developments, safeguarding designated environmental resources, and ensuring that development is

sustainable. It has also been giving increasing emphasis to promoting good design, fostering bio-diversity, and addressing the climate emergency.

14. There is currently no regional level in the planning system since the former regional plans and strategies were abolished by the Coalition government. The Mayors of Greater London and of some of the combined authorities outside London have planning powers although, beyond London with weak powers to require compliance. Apart from these cases, 'cross border' issues require willingness to collaborate/co-operate amongst local planning authorities.
15. The types of development regarded as permitted development (i.e. not needing individual planning permission from local planning authorities) has also changed, as has the means of capturing some of the increased land value resulting from the granting of planning permission. There is currently no formal mechanism for capturing these land value increases except to the extent that there are requirements on developers to contribute to and pay for infrastructure and new affordable homes. Developers generally pass on these costs to landowners in lower prices, so it is the landowner who pays and the overall result is that some proportion of the development value goes to pay for infrastructure and new homes. However on other occasions developers negotiate away some policy requirements that impose costs.
16. Throughout our post-WWII planning history, the allocation of adequate land to provide for new housing has been a controversial matter with changing policy emphasis (e.g. the balance between greenfield and brownfield land, the latter not just to meet housing need but to help with inner city regeneration; and also the extent to which Green Belts should tightly constrain our cities).
17. More emphasis has been given in recent years (and at other times in the past) to the role of the market in determining where and when development should take place, not the least by extensions of what is called 'permitted development'; that is types of development that do not need planning permission. Currently this includes the conversion of offices and shops to housing, a change reflecting government policy to revitalise high streets and to meet more housing needs.

The problems with the current planning system in England

18. The planning system has produced good outcomes in terms of orchestrating development patterns and land uses, creating some very good places and spaces and it is particularly good at project planning and management where the future is known and funding has been

secured. Although national planning policy is generally kept up to date by central government and amended to take account of its changing policy priorities there is no national spatial strategy (as well as no regional ones) – as a result they are not only ‘place blind’ but also not integrated.

19. This is important because many of the key decisions about land use and planning are split between several government departments, including DLUHC, DEFRA, DCMS and BEIS (and their arms-length bodies e.g. Natural England) with evidence of a lack of coherence in their decisions (for example, recently on nutrient neutrality).
20. In addition, the current system, whereby local authorities draw up and adopt plans and make development management decisions about planning applications, is slow and cumbersome.
21. This is compounded by the fact that only a minority of England is covered with up to date adopted local plans (i.e. adopted within the last five years) so that decisions about significant planning applications rely too much on out of date policies with a tendency for many cases being decided by central government, either on appeal or because applications are retrieved by central government for Ministers to decide themselves. Citizen opportunities to have a say in planning changes, while democratically legitimate, can slow decision making. Effective engagement and frontloading of involvement is key to ensuring both accountability and timeliness.

We suggest that the system has become cumbersome at times because the level of detail required in plans and in consideration of planning applications has grown for at least two reasons:

- first, planning has become a matter over which there is much more disagreement in recent years compared with earlier decades with greater likelihood of challenges, including at plan preparation and development management (including appeals) stages; as a result, plan-making has tended to involve increasing levels of detail to cover ‘all bases’; this slows things down (amongst other things);
- second, despite government asserting that they want to simplify planning, it has in fact added many additional responsibilities and complexities ranging from introducing neighbourhood plans, requiring new development to enhance bio-diversity, getting local authorities to introduce design codes, and capturing more land value resulting from planning consents to pay for infrastructure and affordable homes. We want to stress that these additional roles are vital for all that planning seeks to achieve but it is the lack of resources to

deal with these that is the key issue, not the additional responsibilities themselves.

22. As a result plans take a long time to prepare and adopt and consideration of planning applications has become much more difficult and time consuming, including quite demanding pre application consultations and discussions over the details needing consent once outline applications have been approved. Notably the time taken to do all of this from end to end has grown considerably.
23. In addition local authorities now have inadequate staffing and expertise to meet the demands of the system. Not only does this slow down the preparation and adoption of plans, but it also means that staff have been diverted from plan preparation to meet government imposed targets to turn around planning applications in a timely manner. Despite the injection of planning applications fees to support budgets (and some reliance of fees for pre application advice as well), there has been a cut in resources for planning departments of up to 40 percent since 2010.
24. As well as the overall impact of staff cuts there has also been a loss in specialist staff at a time when the needs for specialists is growing (e.g. in design, ecology) which cannot be met by relying on 'buying in' consultancy advice to make up the gaps. There are also significant organisational challenges with changes in the status and leadership of planning departments in local authorities with few local planning authorities now having chief planning officers as part of Chief Executives' leadership teams. In many local authorities, the planning function has become subsumed into other activities such as economic development, transport, licensing, and housing. The consequence of this means that planning departments in local councils often lack a critical senior professional champion within a local authority to prioritise and deliver development agendas, including those of Ministers at the national level.
25. There are also issues related to culture and the nature of customer service but these are partly the consequence of staffing pressures. Local authorities, even with budgets to appoint staff, now find it difficult to compete with the salaries planning consultancies now offer to fresh graduates as well as existing professionals.
26. The fact that many people still refer to 'the planners' for those working in local government masks the fact that, now, 50 per cent of the planning profession are employed by the private sector. As a consequence of staff and expertise losses and the greater capacity (and skills mix etc.) of developers and consultancies, local planning authorities operate at a considerable disadvantage when dealing with

major developers and their advisors. There is much asymmetry, for example in discussions and negotiations over S106 developer contributions.

27. These issues, combined with constant criticisms from ministers about the role of planning, only add to a sense of disillusionment within local planning authorities. The private sector needs certainty and stability in planning for investment purposes and development phasing. Ministerial criticisms about 'planning' *per se* may also damage the reputation of scores of planning consultancies that perform significant master planning and other roles, not only across the UK but globally.
28. Too many development decisions are also now being taken at national level because we lack both national spatial strategies within which such decisions can be taken locally and likewise we lack regional spatial strategies. There was a glaring omission in the recent Levelling Up White Paper on the governance structure needed to deal with key cross-boundary issues on a functional regional basis. Without some form of regional governance and planning these issues will always default back to Whitehall.

A way ahead?

29. In previous submissions to both parliamentary inquiries and government consultations we have been critical of the existing system but also of reform proposals.
30. We have been critical of the (apparently now abandoned) proposal to introduce zoning plans in England because these do not fit easily into the discretionary decision making approach to planning within the context of our common law approach nor do they address the extent of uncertainty which necessitates this key element of discretion in a system. We have also been critical of some elements of the extension of permitted development rights because this means key externalities cannot be addressed potentially resulting in new development without the necessary supporting infrastructure, not the least school provision.
31. On the other hand we have welcomed other reforms including the greater focus on design quality and the greater use of digital approaches to plans and dealing with planning applications, albeit with reservations with respect to both some aspects of codes and the potential over-reliance on digital tools and inadequate recognition of the need to enhance more traditional means of consulting communities. We have also welcomed steps to remove the complexity of the existing S106 and CIL developer contributions arrangements whilst noting that the proposed infrastructure levy alternative is likely

to take years to bed down and will inevitably involve a level of some complexity and risk despite the simplicity of the proposed approach. In that case making changes to the existing system to simplify it and expand its coverage to a greater proportion of developments (including permitted development) could achieve many of the objectives of the proposed levy.

32. In our view therefore there are steps to change which will could improve the planning system to the point where major reform which will take years to come to fruition could be avoided. They are related to purpose, governance and resources.
33. First, to clarify the purpose of planning, not least to establish an agreed objective to secure sustainable development that is stated in principle through the National Planning Policy Framework (NPPF). This requires reinforcing and developing the policy statement in the current NPPF.
34. Second, to ensure there is a national spatial strategy which joins up the policies of all central government departments whose policies impact on development. Currently too many national policies that have major spatial impacts are not coordinated in a national strategy.
35. Third, put in place a level of spatial strategy between a national strategy and local plans, ideally on a relevant regional basis covering existing combined authorities and ensuring the rest of England moves towards a similar approach
36. Fourth, to ensure all England is covered by up to date local plans but with a different approach to these (see below).
37. Fifth, to ensure local planning authorities have adequate resources to carry out its increasing roles both in terms of policy making and development management. An adequately resourced planning system would be more than capable of dealing with the complexity we refer to above. We note that many of our European near neighbours cope with the complexity involved in planning given the resources they have. Good planning is complex and takes time, but can be managed with proper skills and capacity, specifically in a local planning authority's plan making functions.
38. Sixth, a less complex approach to securing land value capture when planning permission is granted must be put in place. Doing this could be done through reforms to the existing planning obligations system rather than introducing the proposed new Infrastructure Levy which is likely to be as complex as the existing system and will take time to bed

down, Importantly policies related to developer contributions must be set out in local plans to provide clarity and certainty to developers.

39. Seventh, to examine ways that planning can become more accessible to the public, particularly to ensure a diversity of views from, what are often referred to as, '*hard to reach groups*' in society, and thereby facilitating an enhanced form of local democratic engagement.
40. Eighth, to adequately resource the digitalisation of planning within local authorities, including new ways to enhance local citizen input into the planning system through accessible and convenient technological means alongside traditional consultation. Furthermore, this would also require embracing, incorporating and visualizing openly intelligence and data from a range of existing sources in distinct policy areas (transport, environment, retailing) as critical information to inform planning decisions.
41. Ninth, moving to longer-term spatial planning frameworks that better integrate national with regional/sub regional and local decisions that deal better with uncertainty. The current planning arrangements are generally not good at dealing with uncertainty even though we would all acknowledge that uncertainty permeates the operation of the land and property markets that planners regulate.

Local Plans

42. The solutions to these challenges cannot be detached from the debates about devolution and the proposals in the Levelling Up White Paper. How can all these be achieved within the context of an uncertain and unknowable future? We think the Planning Advisory Group report of the mid 1960s (with its suggested two-tier system of plans) and the former Scottish Regional Reports approach have something still to offer. We also think we can learn from an analysis of strategic planning in Coventry which addressed ways of dealing with three types of uncertainty (environment, values and other agencies).
43. There is also much to learn from practice in other countries for example in the Netherlands where the Dutch National Policy Strategy for Infrastructure and Spatial Planning links the roles of state, provinces and municipalities and contains key diagrams setting out spatial strategies. Fundamentally this is about separating the need to commit where we do know within reasonable tolerances what is needed (and where and when) whilst leaving open good options for the future without making specific commitments. Good strategies have reference narratives, have alternative future scenarios and have plans

that are robust and resilient to a range of plausible alternatives. In essence a sound plan is one that can adapt.

44. What we are suggesting is we need robustness in planning: commit where we should but do so in ways that leave open as many good options for the future to which we can commit as the future unfolds. This requires a two tier system of strategic (at various levels) and local plans ideally in the context of a unitary system of local government: strategic plans sketching options for the future with local plans where needed for immediate change but all set within the context of national and regional strategic policy frameworks.
45. We have, despite the moves to more unitary authorities in England, an essentially two tier structure of local government with weak sub-national structures, although the emergence of combined authorities is a step in the right direction.
46. In that context what do we have in mind? We recommend a multi-tiered approach in the context of a national spatial strategy with more inter authority co-production at the sub-national level being required for regional or sub-regional areas of critical national development (in terms of scale or purpose).
47. At the local level, each planning authority (whether a unitary or a district in a two tier set up) would be required to keep a 'planning futures' report up to date setting out anticipated trends and 'fixes' on key matters (household growth, jobs, water resources, transport investment, landscape protection areas where development would be acceptable over the long term, but not OS mapped). It would also be required to keep a 'commitment' plan under review showing where new development over up to ten years would be accepted/promoted on an OS base and these commitment plans would be rolled forward every year. These specific locations would be ones that kept open as many good options for the longer term.

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ⁱ Evidence to the House of Commons Select Committee on Housing Communities and Local Government Inquiry into The future of the planning system in England October 2020 (evidence of Chartered Planners in Academic Practice)
<https://committees.parliament.uk/writtenevidence/13680/pdf/>

ⁱⁱ Evidence to the House of Commons Select Committee on Housing Communities and Local Government Inquiry into permitted development rights. PDR 072 May 2021 (evidence of Chartered Planners in Academic Practice).

<https://committees.parliament.uk/writtenevidence/26862/pdf/>

ⁱⁱⁱ Evidence to the House of Lords Built Environment Committee on Meeting Housing Demand. UKH0062 (evidence of Chartered Planners in Academic Practice)

<https://committees.parliament.uk/writtenevidence/38976/pdf/>