

Written evidence submitted by Daniel Scharf [FPS 002]

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Summary

The WP is a missed opportunity to ensure that the new and existing housing stock is net zero carbon well before 2050 in both construction (no mention in the WP) and operation ('zero carbon ready' means relying on the decarbonisation of the grid and causing substantial emissions meanwhile). In fact the concentration on beauty is likely to entice the public into expecting 'bricks and mortar' (see the images in the WP) that would lead to overshooting carbon budgets. It says nothing about biodiversity beyond tree lined streets, when there is huge potential for forest gardening in urban areas and agro-forestry in the countryside.

The focus on 'beauty' is a dangerous distraction from the need for form to follow function (ie net zero carbon and enabling sociability and not isolation). There is no mention of creating 'lifetime neighbourhoods' as the foundation of resilient and vital communities during the transition to net zero carbon and during a crisis in social care.

The traffic light system of red, amber and green zones is wholly inappropriate to a country that has developed in a richly textured way over thousands of years. There is no experience or expertise (or appetite) in the public or private sectors in setting up and operating a zonal system of planning. There is a well developed system for operating a discretionary and essentially democratic system – together with a comprehensive set of legal precedents.

The system needs to adapt to the challenges of climate change and biodiversity loss and not to pander to the claims that urban development is hampered by red tape when the planning system is actually a valued public service.

The UK is the fourth most unequal (high income) country, and the fair distribution of good quality, socially enabling and energy efficient housing will not be achieved simply through disrupting the land use planning system

Questions from the Committee

1. Is the current planning system working as it should do? What changes might need to be made? Are the government's proposals the right approach?

- 1.01 The problems with the current system are not those referred to in the White Paper. There are inefficiencies, many of which have been caused by previous meddling with the system. The requirement to apply for planning permission should not be described as 'red tape' as it is primarily a democratic process of deciding what gets built in a particular area. Planning control is probably the public sphere most open to public participation.
- 1.02 The WP is fundamentally flawed in thinking that a country that has developed in a richly textured way over thousands of years can be divided into three zones (ie red, amber and green) leading to development being controlled by algorithms. With an elementary understanding of 'systems theory' the authors would know that the principle of 'requisite variety' says, "that in order to deal properly with the diversity of problems the world throws at you, you need to have a repertoire of responses which is (at least) as nuanced as the problems you face." The current planning system is complex but no more so than the range of problems it is expected to manage. Reducing town and/or country into zones would lose the principle of dealing with individual cases on their merits. The WP says that the zoning would be subject to public involvement but with only three options and no experience of zoning it will not be possible for lay people or experts to make informed choices on where to draw the lines.
- 1.03 Over the last 70 years about 28 different material considerations have been legally established as being of interest to the public. It is inconceivable that these considerations could be embedded into a zonal planning system without a repeat of the delays that the WP claims hampers the current system. It will take many years for new legal precedents to be set in order to recreate the very extensive understanding of how the planning system operates in the public interest.

- 1.04 As if to illustrate the Government's failure to understand the existing system, the WP claims, "The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained."(emphasis added). The Select Committee investigated the 2012 NPPF and the application of the presumption in favour of sustainable development. It would be difficult to find anybody who believes that the "presumption in favour of sustainable development" is well understood and it is generally if not universally regarded as a free pass for developers where a 5 year land supply could not be shown. In the NPPF the question of 'sustainability' has been limited to designated areas in a footnote, but has not applied to the sustainability of new development in terms of accessibility of the location, or the energy efficiency of the buildings in construction or operation, or the landscaping. The Committee on Climate Change has shown that 4th and 5th carbon budgets (which might have to be tightened) will not be met. The land use planning system is responsible for about 50% of emissions and the 'presumption in favour of sustainable development' has demonstrably failed to secure meaningful reductions since 2012. It is the understanding and application of the principles of 'sustainable development' which is in most urgent need for change, and not 'retained' in the way it has been misused.
- 1.05 The way in which the housing resource is distributed is a systemic issue and in the fourth most unequal (high income) country it is fanciful to believe that a fair distribution of good quality energy efficient homes will be achieved through disrupting the land use planning system.
- 1.06 Applying a zoning systems while there are strategic adjustments to living and working (eg working from home) will be counter productive, while the flexibility of the discretionary system can respond to and influence these significant changes.

2. In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?

- 2.01 There are many reasons why 300,000 new dwellings are not being completed. On the economic side the primary reason is the extreme inequalities and lack of social mobility. There is a limit to the number of new dwellings that can be absorbed into the owner occupied sector (ie the number that the younger generation could afford

to buy), where Government insists on focusing support. Higher numbers could be completed as social housing.

2.02 Another reason is that the 300,000 new homes are not needed. There is already a surplus of about 1million dwellings and most existing space is under-occupied. Given the additional problem of ‘construction carbon’, that amounts to about 50% of lifetime emissions (but emitted in the decade when there must be a rapid transition close to net zero), most new dwellings must be created through residential subdivisions. Happily there are millions of people wanting to create their own homes (thousands are languishing on statutory self-build registers waiting in vain for a serviced plot) who could join in a programme of custom-splitting. Meanwhile downsizing in place would help to build lifetime neighbourhoods within carbon budgets.

2.03 Half of the operational carbon is emitted in heating space and fabric that is under-occupied. Insulating this space should only be a step to it being occupied in order to meet genuine housing needs.

3. **How can the planning system ensure that buildings are beautiful and fit for purpose?**

3.01 Surveys show that people are far more interested in how a dwelling works, that it is safe and can be kept warm affordably, than in the appearance. The pursuit of beauty is a mirage or distraction from the main issues with new building; the whole life carbon emissions, biodiversity protection and net gain and neighbourliness, at a time of a crisis in social care.

3.02 **Form follows function** is a principle associated with late 19th and early 20th century architecture and industrial design in general, and it means the shape of a building or object should primarily relate to its intended function or purpose.(Wikipedia 13 Oct 2020). Were new buildings designed to be net zero carbon in construction and operations and contribute to sociability these attributes could translate into an appreciation of beauty. The images of buildings in the WP are almost all of high carbon intensity construction (ie bricks and mortar) that are most likely to appeal to those invited to comment on design (inc design codes). This would be during a period

when a moratorium on concrete, cement, brick and tile might be necessary to keep within carbon budgets.

3.03 The WP is oblivious to the role that new and existing housing plays in pandering to privacy, that is linked to the pandemic of loneliness and mental health problems. Designing caring environments should be prioritised above making life easier for urban developers to build houses that are often under-occupied and excessively private.

4. What approach should be used to determine the housing need and requirement of a local authority?

4.01 The Government has become entangled in a false debate about housing numbers at a time when there are 1 million surplus and mostly under-occupied homes. The Strategic Housing Market Assessments that estimated 'demand' for housing are still being used as a proxy for housing 'need' that is a very different concept. Local authorities have good data on occupancy rates and should be well placed to formulate policies designed to meet the genuine housing needs of younger and elderly households, families and singletons (ie the fastest growing sector), the disabled and infirm. The Government calculations and algorithms result in an over-supply of housing land and not the supply of dwellings, that rely on developers waiting for price levels to rise to meet inflated land prices.

4.02 The WP fails to show how the levels of community led housing and self/custom building could be increased to make a significant contribution to the supply of sociable homes.

5. What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?

5.01 The best approach must be to instil the belief that engagement could have some impact on the result; either of a development plan or a planning application. Despite deep levels of frustration caused by a belief that the system is currently operated for the benefit of housing developers, a very large number of people continue to engage with the system – more than any other public sphere.

5.02 The WP is regarded as a developers' charter and the proposed changes are likely to alienate many of those who currently engage. There is nothing in the WP to suggest that more people would engage with the new zoning system (neither the public nor planning experts in public or private sectors have any expertise in zoning) enabled by digital technologies. In fact the plan-making and decision-taking procedures are already electronic and participation by those with access to smart phone or computer has never been easier – and there is no need for any further digital changes. The danger would be algorithmic violence that would prevent any real understanding of the system.

6. How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?

6.01 Having written a dissertation *Who cares about the Cold War: using former RAF Upper Heyford as a touchstone* and having spent 25 years failing to prevent the cultural cleansing of what is regarded as the best preserved remains from the defining 'event' of the last hundred years, I can say with some authority that the WP proposals are irrelevant in this regard. The fate of the historic environment; buildings, statues and monuments must be a matter of wide but informed public debate. This is a process that must start at school and home where history and historiography are not being adequately taught/instilled, before a democratically operated planning system can make a positive difference. In fact built heritage is a preferred access point to history for most people including all socio-economic classes and ethnic minorities (see 2016 Culture White Paper). Addressing the role of the historic environment and the uses and abuses of heritage would be far more productive use of Government's time than the ideological 'provocation' represented by the WP. Were this a genuine consultation *Planning for the Future* would be a Green Paper.

7. What changes, if any, are needed to the green belt?

7.01 No changes required. Claims that Green Belts are preventing sustainable urban extensions fail to recognise the role of transport corridors. Commuting distances might have been increased, but the problem has been the dependency on the private car and these distances could and should have been travelled by train and bus (often

into the town and city centres). The increase in 'working from home' should banish arguments about preferring sites in Green Belts adjacent to urban areas.

7.02 The WP has missed the elements of a potential new normal that would make the proposed traffic light system for directing development out of date before the new legislation has been drafted. One trend is towards food sovereignty and another the recommendation from the Committee on Climate Change that 10% of land should be managed as agro-forestry. This suggests a role for Green Belts in food growing and recreation. The WP has also failed to understand that the role and economy of urban centres will change with increased working from home.

7.03 The genuine housing needs that arise in settlements in or surrounded by Green Belts could and should be met through residential sub-divisions. Custom-splitting being one method of meeting the legitimate expectations of those languishing on statutory self build registers that take no account of the fact that a district might be mainly Green Belt in the duty to provide serviced plots. (emphasis added)

8. What progress has been made since the committee's 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?

8.01 The WP suggestion that a national infrastructure levy would improve on the use of s106 and CIL lacks any supporting evidence.

8.02 The fundamental point being missed in the land value capture debate is that this is a zero sum; any money captured from developments to secure public benefits comes from the inflated prices being paid for the new houses. If houses were to be affordable to buy privately or by social providers there would be little or no surplus to be captured.

8.03 The 2018 NPPF threatened but then failed to deal with land prices. Developer profits are addressed (ie 20% is accepted as reasonable) but landowners continue to be rewarded by unearned windfalls at the expense of those involved in buying the houses or providing necessary infrastructure.

8.04 It is likely that developers will struggle to meet whole life carbon emission targets without adding to their costs and the ability to pay additional charges whether this is through s106, CIL or the proposed national levy.

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