

Written evidence submitted by the Town and Country Planning Association [FPS 034]

1 About the TCPA

1.1 Founded in 1899, the Town and Country Planning Association (TCPA) works to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. Through our work over the last century we have improved both the art and science of planning in the UK and abroad. The TCPA puts social justice and the environment at the heart of policy debate and seeks to inspire Government, industry and campaigners to take a fresh perspective on major issues, including planning policy, housing, regeneration and climate change. Our objectives are to:

- Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country;
- Empower people and communities to influence decisions that affect them;
- Improve the planning system in accordance with the principles of sustainable development.

2. Overarching comments

2.1 The TCPA believes that democratic planning has brought enormous benefits to our society, environment and economy. It is helpful therefore that the White Paper recognises the importance of planning. The Association has a long track record in analysing UK and international planning systems, gathering evidence and offering solutions which achieve both greater democracy and better outcomes for people. **We recognise the need to reform and improve the planning system but we do not support the direction of travel set out in the White Paper.** A crucial part of the challenges the planning system face today relates to the impacts of ten years of intensive and radical planning reform which has left our system weak, underfunded, short of skills and lacking strategic scope. Aspects of these reforms such as expansion of permitted development have had disastrous impact on housing quality and have positively contributed to slums of the future.

2.2 We are concerned that the planning White Paper does not offer an evidenced, logical or democratic platform for the radical reforms it proposes. We recognise there is a need to improve the quality of outcomes from the planning system, and that making local plan-making more accessible would be positive. The White Paper does not, however, fairly represent the rich evidence around the performance of the existing planning system. As a result, it identifies problems which do not exist, like restricting housing land supply, while ignoring those that do, for example on driving build out rates. The White Paper also has major omissions on key issues such as a new framework for strategic planning, the future role of neighbourhood planning and the climate emergency.

2.3 The proposals in the White Paper are not developed in any detail. Instead the paper provides a high-level sketch of issues such as the three-zone system and the proposed national infrastructure levy. This means that producing a definitive view on whether these proposals might work is difficult. Finally, where the White Paper is specific, for example on removing people's rights to participate or on delaying zero carbon homes, the proposals are positively damaging to public trust and in dealing with climate change.

2.4 Our overall view is that while the White Paper includes positive aspirations in relation to good design and making planning more accessible, it sets the wrong direction for planning reform. It risks, therefore, delivering major disruption without any tangible benefits in terms of improved outcomes for people.

2.5 Along with our brief answers to the committee's questions discussed below, we are submitting six key documents with direct relevance to the committee's inquiry. The links to these documents are provided in the footnotes below.

- Annex 1 - a compendium of evidence produced by some of the UK's leading planning academics on aspects of the performance of the system. This document, *The wrong Answers to the Wrong Questions*¹, includes evidence about why the planning system is, for example, producing sufficient consents for new homes.
- Annex 2 - our detailed analysis of the White Paper², which particularly highlights the measures which will reduce the democratic oversight of the system on the individual's direct participation and plan making.
- Annex 3 – the final report of *Planning 2020: Raynsford Review of Planning in England*³. This report sets out a comprehensive analysis of the current planning system and a series of detailed proposals for the strategic reform of planning. This report remains a sound basis for long term planning reform.
- Annex 4 - a joint response developed by the TCPA and the Centre for Sustainable Energy focused on climate mitigation and the White Paper⁴. It sets out how the Planning Acts and the Climate Act could be bound together to deliver on radical reductions in carbon emissions.
- Annex 5 - a short prospectus for an alternative planning reform process. *Common Ground*⁵ sets out practical measures for how our existing system can be reformed to produce lasting benefits but with minimal disruption.
- Annex 6 - the TCPA's formal response to the White Paper consultation⁶.

2.6 Taken together we hope these submissions are useful to the committee's deliberation.

3. The Committees questions

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?

3.1 We have set out in the documents '*Common Ground*' and the '*Raynsford Review*' the kind of changes that could be made to the existing system to improve the quality of outcomes and the efficiency and transparency of the system. Many of our existing problems result from the last decade of continuous planning reform and the critical lack of resources in the planning service rather than any fundamental flaws with our discretionary approach to planning in England. While no one can disagree with the White Paper's rhetoric around beauty, or the ambition for the greater use of digital tools, we do not support the overall proposals for a three zone system in England. The implementation of these three zones will not necessarily improve outcomes for people but they will

¹ Available at <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=f53db0a4-b78d-4898-80e4-647080dad84b>

² Available at: <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=9fdaefe5-e803-4bd4-ab35-8330b7982c6b>

³ Available at: <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=30864427-d8dc-4b0b-88ed-c6e0f08c0edd>

⁴ Available at <https://www.cse.org.uk/downloads/reports-and-publications/policy/planning/planning-white-paper-consultation-october-2020.pdf>

⁵ Available at: <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=d5f99199-aa48-47d9-8512-5c598d0bdf7>

⁶ Available at <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=81c990df-cc5a-4f37-9bd4-6c74a80ee540>

be highly disruptive to deliver and will, along with other measures outlined in the White Paper, reduced democratic accountability.

3.2 The TCPA has set out a different approach to planning reform in *Common Ground* [see annex 5], which is based on changes to our existing system but there is also specific and urgent need to change the way we deal with housing standards. The TCPA has been advocating an entirely different basis for the way we plan and regulate the built environment, which places people's health and well-being as the key objective of the system. We have made the case for this approach in our work to promote a Healthy Homes Act.

3.3 The TCPA is clear that a crucial part of reforming the planning system, and guiding a new system once it is in place, must be clarity about the purpose of the planning system. Reforms to the planning system must put in place a clear, statutory purpose for planning which focuses on sustainable development and health and well-being of all of us.

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?

3.3 The Raynsford Review explored the evidence as to whether the planning system was a barrier to delivery of the necessary consents for new homes. The analysis was clear that the planning system consistently delivers more planning consents each year than the private sector cares to deliver. This is simply because the private sector has no economic incentive to deliver at rate which might reduce unit price in any particular housing market area. Other detailed problems, such as infrastructure investment and coordination, are much more significant than any issue in the local plan or development management regime.

3.4 The key problem in the drive to deliver more homes is the achievement of a successful housing delivery model. It is disappointing that the White Paper is largely silent on this central issue and does not discuss in any detail how the recommendations of the Letwin Review might be implemented or how Development Corporations might be deployed. This is a major omission and means that the reforms will again focus on creating land with planning permission, but not on the much more complex job of delivering homes at a rate, quality and at a price necessary to meet community needs.

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

3.5 The ambition in the White Paper for better design outcomes is entirely welcome. However, the existing planning system could equally accommodate the greater use of design codes without any major reform. This emphasis on design is in the gift of the Government who can support and enable the use of design codes and policies in existing development plans through change to national policy. The Government would also need to deal with major problems created by recent reforms of the existing system which undermine design quality. These include the emphasis on housing numbers over quality, the implementation of permitted development and the use of viability testing by the development sector to reduce local ambition for design quality.

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

3.6 The TCPA strongly supports an evidence based and nationally agreed methodology for housing forecasting in local plans. We also believe that this methodology should be based primarily on demographic data on household formation rates and should be supplemented by data on

hidden households and local housing needs. Priority should be given to those in greatest housing need through a range of tenures including a central role for socially rented homes. These requirements need to be set against local environmental and infrastructure constraints to arrive at a sustainable and realistic target. This process is complex and not susceptible to a single simplistic method.

3.7 We believe the Government should consider how it might support the provision of expert support for local authorities in setting housing numbers of kind embodied in the short-lived National Housing and Planning Advice Unit.

3.8 Ultimately, however, we would highlight that it is not possible to isolate a standard method for housing needs from the methods of delivering homes in a coherent strategic framework. The standard method may drive higher housing land allocations, but without a clear linkage to sub-regional apportionment and effective delivery vehicles it will not ensure the homes we need get built. Delivering a credible framework for higher housing delivery in areas such as the South East of England should not be isolated from the wider environmental and infrastructure constraints which exist in these areas.

3.9 As we highlighted in our response to the White Paper, the idea that the increased supply in land allocations in plans will automatically address affordability is a flawed assumption because:

- The needs of those in greatest housing need will not be met by any expansion of home ownership. Instead their needs are best met by targeted measures including the provision genuinely affordable housing products.
- House prices result from complex factors including the availability of credit and wider investment trends so increased affordability is not simply about supply and demand.
- The number of houses necessary to reduce prices in high demand areas implies a quantum of units which is often simply unrealistic.
- Increased land allocation is ineffective when, as now, such allocations are disconnected from effective delivery. No model predominately based on private sector housing delivery will result in reductions in house prices since these businesses will never build at a rate which reduces unit price.

3.10 The affordability crisis can be best solved through the targeted provision of affordable tenures and particularly through the rapid expansion of socially rented homes.

3.11 A different overall approach is needed because, in broad terms, the policy of 'growth on growth' has failed in England to create either affordable homes or a well-balanced and efficient economy. In considering the expansion of new homes in England alongside the levelling up agenda the government should actively consider a much stronger role for the identification of strategic growth zones across the whole of the country supported by the necessary investment and delivery vehicles.

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

3.12 Despite the rhetoric in the White Paper our detailed analysis in Annex 2 demonstrates that the specific measures it contains reduce democratic accountability and citizens' rights, particularly the right to be heard in person at local plan examinations.

3.13 While digital technology can be a useful tool it does nothing of itself to make planning more democratic and participative unless it is backed by clearly defined opportunities for accountability through the role of elected members and by individual rights to participate in the process. Digital technology can be very powerful and making data available to a much wider section of society is a positive step. But digital technology is not a panacea to generate an open and democratic system. Digital platforms can be easily exploited and distorted and have major issues around digital exclusion, which are not discussed in the white paper.

3.14 The planning system pioneered participative planning methods particularly for hard to reach groups in society but these methods require skills and resources that are not currently available to local authorities.

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

3.15 It is not clear from the White Paper whether existing levels of protection for heritage and environmental assets will be retained. Perhaps most worrying of all there is no clear relationship between the provision of the White Paper and those of the Environment Bill or the provisions of 25-year Environment plan. Town planning is the most significant regime for determining environmental and heritage outcomes. It is the gateway to development consent and, therefore, vital in delivery of whole range of Government environmental and health objectives. It is disappointing therefore that the White Paper does not set out in any detail how the future of planning relates to these important policy agendas on climate, biodiversity and health.

3.16 Biodiversity Net Gain will be made a legal duty in planning by the Environment Bill. We remain concerned that the cost of net gain will be met from the same finite development values used to provide affordable housing and that this may result in wholly negative and unnecessary trade-off between biodiversity and the need for social housing.

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

3.17 Green belt continues to fulfil a valuable function in urban containment and the TCPA strongly supports its continued use in planning policy. A significant amount of green belt has been released for development over the last 10 years suggesting that there is already flexibility in how such designations are applied and reviewed. A major issue for the TCPA is how existing green belt land is used. There is a need to be more ambitious in terms of access for communities to green belt land, this would better support the health and well-being of urban population's, and in managing green belt for climate adaptation, biodiversity and local food.

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?

3.18 The government has made changes to national guidance on viability testing to provide greater support to local authorities in seeking fair share of betterment and development values. But there has been no fundamental shift in policy in relation to capturing land values. The proposed national infrastructure levy is not described in sufficient detail in the White Paper to give a definitive view of

its benefits. For example, we are not aware of any detailed modelling or evidence to support the claim that the new system will yield more development values for community use.

3.19 Significant questions remain about how the new levy will continue to provide existing levels of affordable housing in the context of the proposed thresholds to be applied to section 106 agreements. Our initial view is that a more moderate approach, as set out in 'Common Ground' [see Annex 5], which would modernise the existing system would be more effective. There is recognition but no discussion in the White Paper of the single biggest flaw of the current approach relating to capturing development values, which is its tendency to yield more for high demand communities providing no mechanism for redistribution for those places requiring regeneration.

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