

# **The White Paper on Planning Reform: A Response from chartered planners in academic practice**

## **Introduction**

The Prime Minister wants to build more new homes, an admirable objective, which we share. However, we do not share his belief in the need to 'tear down' the current planning system in order to achieve this aim. The planning system needs reform but starting again from scratch in the radical way proposed will at best result in delays and uncertainties and is likely to undermine the current output of new homes let alone secure more.

This response draws on experiences from the principles and practice of different planning systems in the UK and internationally, as well as the research done by contributors to this paper and by their colleagues.

## **The evidence behind the proposals**

Our collective research and policy/practice experience highlights our central concern about the thinness of evidence presented in the White Paper. This means that certain proposals in the White Paper could undermine the purpose and practice of planning. This is exemplified for instance in its reliance on unrepresentative examples and inadequate understanding of how planning operates outside England. In particular, it seems to want to abandon the role of planning as a means of securing important public purposes and as a result, in the housing context, marginalises the planning system to being solely a means of delivering more housing.

Of course securing more decent and affordable housing is important to us all and what good planning does is to help create and deliver the places and spaces where we can all flourish 'at home at work and at play'. However, as it stands, the White Paper could be highly likely to reduce the chances for members of the public to shape the future of places that they live, work and socialise with the result that the proposals that are being put forward could in fact increase the risks that the homes we need will not be delivered.

## **Our key concern**

We fully accept the need for further reform. Local plans take far too long to prepare and update and too many are thus out of date as the basis for development management decisions and do not always address requirements. Casework on planning applications can be drawn out, creating uncertainty and adding to developers' costs and risks. Evidence shows this does not have to be the case.

Claims in the White Paper that the planning system is what leads to less development are unsubstantiated. Evidence shows that more homes have been consented for development than are delivered. We agree that reform is needed to address issues such as diversity of housing supply (e.g. more SME builders, more affordable and social housing is needed) but we argue that substantive constraints and weaknesses largely fall in other areas, notably in development finance, infrastructure provision and legal delays.

The benefits of our discretionary planning system - combining clarity on policy with sufficient flexibility to take account of the specifics of sites and of the complexities of context - should not be underestimated. This is especially critical in terms of the wider impact of planning on investment in critical infrastructure (schools, roads, public transport) and its contributions to tackling climate change, promoting bio diversity and healthy living.

A more straightforward reform, which we believe can achieve the government objectives would be to make the preparation and adoption of local plans mandatory and subject to rolling reviews so that they provide an up to date framework for making development management decisions, providing clarity and more certainty for developers.

### **Pillar one: planning for development**

The planning system needs to be balanced with local discretion. The argument for the three-tier area approach or 'zoning' (e.g. a rights or rules-based planning system) ignores the need for a planning system to secure a balance of certainty and discretion. International evidence suggests rules-based systems are usually looking to achieve greater discretion and that those with discretionary systems argue for strong policy frameworks. Somewhere in between is difficult but necessary.

Zoning can work in rules-based legal systems but is more problematic in common law legal systems. The evidence is that zoning systems and discretionary systems tend to converge on a mixture of policy/strategy and case-by-case judgement. Even in a zoning system there will always be the need for variations and mechanisms to scrutinise and sign these off, and to deal with the complexities of places and schemes that do not conform to the codes. Zoning could reduce risk or uncertainty for developers but may also result in other costs (notably delay and sometimes reduced investment) and lead to more litigation especially when developers seek to promote desirable development and need to secure changes to the area/zone rules.

One issue which is hardly addressed is how to resolve cross boundary issues, especially where there are capacity and other constraints in local authorities that require development to take place elsewhere. Any reformed system needs to capture, express and deliver on strategic policy, not only on housing, but also industry, employment, economy and infrastructure, carbon and climate resilience, nature and environmental protection. Improvements to the existing system are needed to align and better balance these. Most notably, if the system is to integrate the unequal economic and social geography of England better, we need clear strategic spatial plans bridging from national policy to local plans.

### **Pillar Two: planning for beautiful and sustainable places**

Design codes only generally work for a single controlling landowner conveyancing plots over a long time scale; we also need a system of design guides for more complex circumstances to lever more quality and coherent place making from diverse developers and designers. They provide coherence, co-ordination and certainly - and often underpin public confidence in outputs and outcomes either via Urban Codes (layout), or Architectural Codes (building design). These can be nurtured through policies in plans (not zoning type ordinances) and importantly better integrate design and development management with building control regimes. This is critical because well-designed new development must also be functional and meet space, internal layout and safety standards. Hence, these must be specified in any new rules based system of ordinances (as is the case in many countries with these approaches to planning) if such standards are to be safeguarded. However, International evidence also suggests that rules based approaches requiring compliance with fixed standards can actually increase costs, reduce flexibility, and slow development.

### **Pillar three: planning for infrastructure and connected places**

The existing system of developer contributions works well at a localised level. It raised £7bn for infrastructure and affordable housing in 2018-19. The system can be improved by reducing negotiating uncertainties and removing the many exemptions. At the limit it can require a tariff

based approach to smaller/easier developments and use S106 for more complex sites where many costs are site specific and there is a need for contractual responsibilities particularly with respect to agreed contributions. Whilst the proposed Infrastructure Levy that taxes Gross Development Value of completed projects may help provide more certainty and speed up the process, it presents its own challenges. The transitional arrangements will be difficult to introduce, will generate different viability problems, undermine the levelling up agenda, and in particular break the contractual link between developer contributions and the infrastructure they actually need. Furthermore the introduction of value thresholds will reduce the affordable housing funded via the levy, which is a crucial housing (and social) contribution

## **Delivering change**

The White Paper makes big claims for the use of data. There is clearly a need for very considerable improvement. However, this will come with major transaction costs of data mining and data integration (and keeping everything up to date unlike most websites) - as well as the compliance of different data access requirements and regulations (and government no longer collects much important data). We need to move towards the digital age to complement existing forms of data and participation instruments, rather than replace them. Existing research on the use of technology in managing urban processes shows that it puts power in the hands of elite and disempowers ordinary citizens, abandoning argument and persuasion as the means by which we nurture and enhance the development we need. The White Paper implies that coding and automation are to go hand in hand and for many types of development, the negotiative element of development management will be removed and replaced by a compliance checking against a series of design codes, stripping out professional judgement and political oversight.

## **Contributors to this response**

As well as being in academic practice we 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.

Professor Mark Baker, MRTPI, University of Manchester; Professor Tony Crook FRTPI, The University of Sheffield; Professor Nick Gallent FRTPI, UCL; Hon Professor Vincent Goodstadt MRTPI (and former RTPI President), The University of Manchester; Professor John Henneberry, FRTPI, The University of Sheffield; Hon Professor Janice Morphet, FRTPI, UCL; Hon Professor Kevin Murray FRTPI (and former RTPI President), The University of Glasgow; Professor Gavin Parker, FRTPI, University of Reading; Professor Malcom Tait, MRTPI, The University of Sheffield; Professor Christine Whitehead, HonRTPI, LSE; and Professor Cecilia Wong, FRTPI, The University of Manchester

26<sup>th</sup> October 2020