

## **The Planning White Paper – An Alternative Vision**

**Transcript of Managing Partner, Julia Foster's Presentation**

**to TCPA Annual Conference 2020**

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**Response to presentations by Christopher Pincher, Minister of State for Housing and Joanna Averley, Chief Planner, MHCLG**

Good morning.

I come at the reform debate and White Paper as a planning practitioner working in consultancy, for public and private sector clients.

My experience is focused almost entirely on very large, complex projects from regional and sub-regional policy making, to mixed use new communities and urban regeneration. The drive to deliver more homes is often central to this work but is entirely intertwined with every other aspect of infrastructure, need, impact and quality of life.

Thanks to involvement in the Raynsford Review, I can reflect on where the system is heading with the benefit of the only recent root and branch, evidence-based assessment of where planning is right now.

I was shocked by some of what that enquiry revealed and persuaded of the need for radical change. Govt. commitment to take up the reform challenge must therefore be welcomed and grasped.

Despite the Minister's warm words this morning and Joanna's more hopeful outlook, I can see little evidence in the White Paper itself, of the same rounded and robust enquiry, which Nick Raynsford steered.

I think that some of us fear that the current, and let's be honest, desperate state of civil discourse, means it would be too easy to assemble a mob (egged on by the free thinkers and disrupters) to light a match under the current planning system – it is an obvious scapegoat for the state of the nation. But there are huge risks in ignoring the more considered view of those in the thick of it.

I work in the commercial world – I can see how vital the work is that so many planners are doing, despite the many challenges and the failings. It will be entirely self-defeating to shred the system or to continue to attack the beleaguered watchguard in the planning departments.

The system is fragile and creaking, but it is still working to support investment in the development sector and in communities. Now more than ever, our economic fortunes and well-being depend on it.

We must tackle this challenge old-style. Thorough, careful, considered, collaborative review .....and then reform. We must sustain activity, carefully manage transition and head in a new direction.

In the face of the climate crisis and population pressures, we have just one chance to get this right.

We must ignore the rhetoric and ask ourselves what we want the system to do; you quickly realise that few current Government priorities can be delivered without an effective planning system.

In the statement on Common Ground, published in response to the White Paper, the TCPA highlight the risks if we fail to tread carefully and set the right priorities. Let's all get behind that approach and work with Government to move forward.

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I am going to pick out and share some further thoughts on the areas of reform that would make a real difference to delivering the strategic scale development, which is my focus.

To my mind there is one vital foundation stone.

First, the reformers need to understand the full breadth of the system and the extent to which the strands are woven together, it needs to work end to end, north to south, high value to low value, large and small.

The system needs to address land use across urban and rural areas and do so positively. It is misguided to further reinforce tension between 'growth' and 'protection' – the reality is so much more nuanced, especially in an era when the climate crisis demands we take a look at the whole ecosystem of the way we live.

Planners want to take on this challenge, they are the obvious ring leaders, but this is a complex, multi-disciplinary /multi-organisational charge. Do not malign the last man standing in the planning department, in the Town Hall, for not having all the answers.

I think it would be helpful if the reformers pursue two distinct lines of enquiry:

First, examine the effectiveness of the system to address small scale and gradual adaption, renewal and local intervention (that is local land use management including change of use, infill, historic buildings and conservation, public realm improvements, community needs, health and well-being).

Second, examine those aspects of the system which are focused upon major change and investment, including large scale new development, comprehensive regeneration, strategic habitat creation, water management, regional development, and strategic infrastructure.

The challenges for both aspects are very different. In the case of the first, there is immense opportunity for more speed, consistency and efficiency supported by national policy/standards, local guidance, better enforcement, digital management, and neighbourhood planning, as mooted by the WP.

In the case of the second thread, there are fundamental strains and growing challenges in the system, which already frustrate investment, slow delivery and mean we are failing to take a strategic view of the best locations for growth and investment.

Delivering development at scale is an end to end process, dependent upon a cascade of decision making. I am going to talk about just a couple of the fundamentals.

### The first is identifying the right locations for growth

And making a firm, long term commitment to those locations – this has to be a big picture and cross boundary. It must achieve meaningful alignment of infrastructure and development planning.

The process of planning at scale depends upon the inputs of a vast array of stakeholders – many of whom are required to undertake their own forward planning, outside the recognised planning system.

Major development is constraint and opportunity led, which means it relies upon or responds to the framework of infrastructure provision as well as anticipated need. The present lack of alignment and co-ordination is perhaps the most significant factor delaying effective planning for new large-scale employment and housing development.

The framework needs a national, regional and sub regional spatial dimension. The relevant functional geography will be different for each issue. There have been important moves towards this wider view and real geography (be it housing market areas or the LEPS; we can build on this. GIS based analysis is revolutionising the approach to understanding functional geography, easily and quickly. The planning system now needs to adapt and fix plans at the relevant scales quickly, and efficiently.

Fixing housing requirements is a good start, but will only be settled by considering constraints and capacity across wider geography or where strategic priorities dictate. National priorities and infrastructure commitments should be given a spatial dimension and injected into the planning system as a national policy framework, to steer growth and investment.

At the next level down (regional/sub-regional) infrastructure providers need to be obligated to forward plan to facilitate economic and housing investment, not just follow it, cut across it or worse, engage only when there is a prospect of profit. At present the lack of clarity and commitment from infrastructure providers, alongside the extraction of value through ransom, by public bodies with infrastructure responsibility, is a significant constraint upon bringing forward large scale development more quickly and with wider benefit.

Identifying the right, general locations for growth should be high level, based upon capacity and opportunity identified through analysis of constraints, priorities, and firm infrastructure plans. Overhauling the SA process and relying on well informed judgment, based up definitive spatial mapping, is a welcome prospect.

Plans must be underpinned by a clear spatial rationale, an appropriate level of stakeholder engagement, and an open and democratic decision-making process, including an efficient public examination. Evidence must be proportionate to the purpose.

Broad capacity assumptions will suffice. Neither landowners, promoters nor local planning authorities can be expected to do the technical work necessary to underpin 'a

consent' at this early stage. There could be many prospective and competing locations for growth; it is simply not feasible, efficient, or affordable to evaluate them all in detail. These strategic plans must be binding upon any subsequent consent regime for large scale development.

There is one further important dimension and political hot potato to putting development in the right place. We have a capacity issue in the South of England.

At present the NPPF and development plans provide a general presumption in favour of development, which in practice only applies 'freely' in urban areas, where capacity is increasingly squeezed or where viability limits potential. At the same time, in many locations we have an almost absolute presumption against development.

Where the function and rationale for a protected area is clear (e.g. National Parks, protected habitats and AONBs) there is little tension in this binary position, but where constraint is applied through blanket Green Belt and policies to prevent development of 'open land/countryside' there is a significant tension. Through policy-imposed constraint a significant proportion of the South-East of England cannot accommodate need.

The White Paper does not really propose anything much different. There are no answers to where unmet need is to be pushed.

Green Belt it is no longer applied with any strategic perspective, with regard to purpose and is altered only through narrow, local review where value assessments can be quite meaningless, in terms of the strategic purpose. It must be time to look afresh and more strategically at settlement patterns and the relationship with their hinterland. There is opportunity to adopt a much more positive approach to rural land use, applied with intent rather than simply as defence. We have different priorities and calls upon the countryside now – as a setting for defined settlements, as a resource for urban populations, for flood management, for carbon management/offset, for energy generation, for rewilding and habitat creation, for conservation, for recreation and well-being, for productive forests and of course food production.

I know this a red card issue, but I genuinely wonder whether national Government are rather behind the curve. Increasingly, in practice we are seeing local politicians of all parties keen and willing to have a sensible conversation about the value and purpose of Green Belt when thinking about the most sustainable patterns of change and growth.

**Next, I want to touch on the 'consent' regime**

For big, long term investment it is consent should establish a framework for delivery. It is complex but that is right and proper – don't think of it just as an approval, think of it as an investment plan, community development plan and a spatial master plan for a multi-million pound project. Reflect on the expertise, the governance, the decision making, the risk management and the timeframe which such an endeavour would involve in other area of business.

Beyond spatial strategies 'consent' for large scale development might follow through one or more approval regimes, most likely approval of a development plan and/or outline planning consent. DCOs might have their place for some developments/ infrastructure, but do not readily support building a large new community or managing complex urban regeneration projects. The regime essentially precludes on-going, collaborative partnership working and involved community participation (as opposed to

just consultation). This presents a major challenge to integrating new development and cultivating more positive attitudes towards it. Developing new communities or delivering major urban change, is a long and involved exercise and planning should be wound into that process, as a flexible and adaptable delivery mechanism.

Attaching a 'consent' to land (whatever the regime) must rest upon a huge raft of technical work, different in every case, across a multitude of specialisms.

At some point in the process considerable time and resource must be invested in this technical work, both to shape consent and inform the commercial process/delivery. Done properly and efficiently, this effort is not a 'burden' but the foundation of a deliverable scheme, capable of being progressed, at pace. No responsible developer, promoter or investor will shy away from this commitment. The timeframe is unavoidable for large schemes (3 years 'in planning, consultation and enabling' is typical and essential for high quality outcomes). There are certainly ways to: improve presentation; take a more reasonable and proportionate approach on certain issues; limit or arbitrate away unreasonable demands; and improve access to and wider understanding of technical studies.

LPA's can rarely afford/justify having a development team with the skills/knowledge /experience to cover all the ground, in terms of all technical inputs when large schemes come forward. Therefore, it is essential to identify growth locations at a strategic level and then work up proposals in sufficient detail for an outline consent (or equivalent) when the commitment to that location is firm.

Parachuting in/seconding specialists from a centralised pool could offer a solution to a shortfall in technical capabilities – 'shared' resources across many projects or more than one authority do not often work. Large projects need dedicated teams, engrossed in the detail.

Large scale development proposals must progress to delivery through a collaborative approach – the best outcomes arise where local authorities/promoters and stakeholders work in partnership and with an existing and then emerging community.

Delivery models and credentials need to feature large in decisions about the approach to be followed and the planning tools to be deployed (policy, guidance, codes, legal obligations). I would even go as far as to suggest that the right delivery model and delivery credentials should be material to selecting locations for growth in the first place.

Where large scale development is to feature, local authorities must develop their role and capabilities as partners in delivery; dedicated project officers are required; this is a legitimate development cost. Hard pressed development management officers have too often ended up trying to fulfil this role. This is hopelessly inadequate.

With the battle lines for the debate over the location and principle of development dealt with strategically, local authorities can reshape their forward planning function to one that is far more focused on positive 'planning' for delivery. Project teams should form around each major allocation/outline consent to manage the design/delivery process. Planners, as currently trained/deployed, have some relevant skills but not all that are necessary.

Scope for different partnership constructs between the public/private sector and/or special delivery bodies (including development corporations) can all play their part. This is also an important facet of transition. Planning departments and planning professionals can be adapted and repurposed overtime, in the interim it will be necessary to rely on skills where they can be found and by disseminating best practice; it is out there.

**Last, I just want to underline on what really matters in all this – Delivery.**

A 'consent' is the start not the end of a programme of planning, design, community development, to deliver. A system presently consumed by the battle over the principle of large-scale development rarely really drives and supports delivery. Those good examples that exist do so despite the system and by bending the rules to achieve that outcome.

As the best examples of the master developer model show, planning consents can themselves become very effective delivery tools overcoming challenges arising from lagging/shortfalls in essential infrastructure, controlling design quality, allowing flexibility to adapt to market and economic change over time. The planning conditions and legal obligations (the maligned but hopefully now reprieved Section 106, at least for large sites) can and are being used to set up the structures, the governance arrangements, the further approval processes, the design coding, the consultation regime, to manage the creation of that new place over decades.

It is a long term and collaborative exercise, which is why a super-efficient consent regime such as a DCO works for a road - design, planning, contract, build – but not for the creation of new communities or complex regeneration.

Again setting up a functional, delivery focused consent is time consuming, but wholly worthwhile if what follows is the smooth and seamless roll out of many thousands of homes, schools, commercial uses and green spaces and everything else that a beautiful and well serviced new community needs.