

## off the fence

The loud and well resourced opponents of planning, and particularly the 1947 settlement, are misreading the politics of planning reform, says **David Lock**

# planning's endgame or not?



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**Planning was born of popular demand and is still an electorally valued public activity in principle**

The town and country planning framework of 1947 set by the post-war Labour government of 1945 led by Clement Attlee soon suffered structural damage under ailing Churchill's Conservative government of 1952. The 1947 Act in effect nationalised the right to develop land and instituted a development charge to collect a share of planning gain if development consent was granted (there were exceptions). The money collected was to be used to support a transitional fund to compensate landowners prevented from developing under the new planning system. Landowners and developers had pushed for removal of this form of taxation, and it was abolished in 1954.<sup>1</sup>

Aside from that body blow, however, the many revisions of the 1947 legislation since then have left its founding concepts intact but bloodied and some of its operational practices deformed and dysfunctional. The cadre of chartered town planners in public service expected to make it happen (especially the all-rounders educated since the Schuster education

reforms of 1965) have found it difficult to hold on for the roller-coaster ride.

The declining number still in public service are becoming so invisible that AI and 'PropTech' wizards who know no better seriously think that robots can take over much of the work. Any really interesting projects undertaken by local authorities are likely to be commissioned from consultants because there is not enough of that kind of work to be done to justify maintaining a high-quality in-house capability. In central government the quality of successive policy initiatives suggests that the remaining in-house professional planning capability has been struggling to help shape emerging policy. The majority of members of the Royal Town Planning Institute are now in the private sector.

My point is that the persistent shouty voices who wish to see the 1947 socialistic vision extinguished are wealthy and stealthy (with funded think-tanks and commissioned research reports to underpin their arguments), and are given a steady supply of

bad doings by the limping planning system to fuel their destructive campaign. But despite all that, there is no need to be wholly pessimistic and join Hugh Ellis in preparing for the funeral of the 1947 settlement.<sup>2</sup> Its enemies continue to misread the underlying politics of the saga, of which there are three key features:

- As with many of the revolutionary steps taken by Attlee's government from 1945, town and country planning was born of popular electoral demand. It was not an alien ideological imposition. It had a long lead time in legislation pre-war, and post-war the case for a comprehensive arrangement for managing the contested use of land was brilliantly explained in plain terms, and was widely understood and supported.
- Despite the whingeing and more serious criticisms of the operation of the town and country planning system in its present mashed-up and mangled form, there is still popular electoral support for a planning system rather than none. For every voice still moaning about not being able to use their land as they wish, there are far more who wish to see controls that will take their views into account without forcing them to confront their neighbours face to face. For every volume housebuilder moaning about the breadth and depth of ever-more-complicated planning controls, there are shareholders behind them who do not want a free-for-all as scarcity drives value, and there are staff and advisors who would prefer a well resourced planning department to work with, rather than a slit in a postbox or an email address to try to talk to.
- Elected politicians experience the electoral support for a town and country planning system at first hand. They enjoy the system's discretionary features that allow them to appear powerful, beneficent and go-getting on some issues, and proud defenders of the status quo on others. Planning is not just a science – a machine into which information is fed and a 'right' answer comes out – but an art that requires thoughtful strategic design, consensus-building with sensitivity to the views of others, intelligence, and a sense of inter-generational responsibility. Popular support for a particular minister or a whole government might be shaken over a particular planning decision, and some vested interests may complain, but this should not be mistaken as shaking popular support for a planning system. Quite the reverse; it fuels the case for a better system, not for doing without.

### **'Despite the whingeing and more serious criticisms ... there is still popular electoral support for a planning system rather than none'**

Planning is an electorally valued public activity in principle. There is strong and intimate interest in the future of high streets, and coarse-grained aerial policy-bombing from the Ministry on that subject is not the way forward. There is public interest in contested use of idle land in towns and cities (one urban community's green space is a countryside protectionist's town cramming opportunity) and great interest in the case for the extension of towns and cities and the creation of wholly new ones. Decisions on the routing of

new railway lines and other forms of strategic infrastructure are not safe, politically, to be bundled through by technicians while we are busy with other things. And those who clamoured for the destruction of regional planning systems were soon shocked at the unintended consequences of their political success – the end of strategic growth points has left every local planning authority with the need to meet its own needs within its own boundary unless it can find wriggle room in the maths (as if people needing a home were just an integer). The public support a system that allows the contest over the use of land – right down to street level – to be managed by transparent, fair and accountable processes. Politicians forget that at their peril.

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The potpourri Planning White Paper of 2020, *Planning for the Future*, was described in the September/October edition of this column<sup>3</sup> as being politically misjudged, and this had been foreseen by others.<sup>4</sup> Since publication, the rate of political back-tracking on key features has increased.

On 10 June 2021 the House of Commons Housing, Communities and Local Government Committee published its highly critical 135-page report on the White Paper, entitled *The Future of the Planning System in England*,<sup>5</sup> which could not just be brushed aside. On 21 June 21 an Opposition motion to scrap the proposals to take away the right of people to object to a specific planning application was approved by Parliament.<sup>6</sup> By 10 July Secretary of State Robert Jenrick felt obliged to contradict his own hyperbolic introduction to the White Paper by saying that it was no longer to be 'radical reform unlike anything we have seen since the Second

World War' (who wrote this stuff for him?). Perhaps a *draft* Planning Bill is the next step, he says, to make sure that MPs are on board.<sup>7</sup>

Just as well – there are backbenchers from all parties who do not buy the White Paper's obviously unworkable prescriptions, in particular the two-year time-limited Local Plan-making that will then automatically confer planning consent in principle in zones in those plans. Grafted-on ideas from the Building Better, Building Beautiful Commission, such as the requirement for design codes (they are already required for large schemes, and the public knows that the fault is that they are not *applied*), have been slipped instead into the July revisions of the National Planning Policy Framework (NPPF), over which Parliament has no say.<sup>8</sup> The Office of Place (you couldn't make it up – Cromwell would have enjoyed the idea) is already appointed to make sure we all do nice things.

But do not drop your guard. Government and its agencies, and local governments, have all discovered ways of filling the strategic planning void created by the Cameron/Clegg coalition. A wide variety of 30- and even 50-year 'spatial strategies' have been and are being prepared outside the statutory planning system, ducking even its weakened rules on public consultation, independent examination in dialogue with interest groups, and the niceties of true transparency and accountability.

While we have been struggling with COVID-19 lockdowns and fretting over our jobs and our schooling and our next food delivery, and marvelling at the astonishing kindnesses of neighbours, there has been a leap forward in varieties of under-the-radar planning activity. Organisations have enjoyed yomping around free from official accountability and public gaze, and cannot be left to believe that what they have done is safely nailed down, because it isn't. The electorate cannot be jumped on strategic matters like this. So watch the websites, and be alert.<sup>9</sup>

Back to the substantive point about the death of the 1947 Town and Country Planning Act. I do not think that has happened yet. Its vital organ is the nationalisation of the right to develop land: when that is gone, the 1947 political settlement will indeed be dead. I see no Cabinet-level commitment to de-nationalisation yet, as much as their think-tankery might urge it. Government would lose levers of power over the use of land which they enjoy, and such a move would have most serious electoral consequences for them. For that reason, we grit our teeth and tolerate the present anarchy of sleights of hand through social media and under-the-radar activity, the clumsy contradictions and ignorant

assertions, and the obvious attempts to bewilder by showering us randomly with stuff.

What is going on may be just a weird consequence of our surreal times, rather than a conspiracy to murder the planning system altogether. A peaceful path to real reform must be sought, sooner rather than later.

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### Notes

- 1 The policy had been devised by the Expert Committee on Compensation and Betterment, set up by the Minister of Works and Buildings in 1941 under the chairmanship of Mr Justice Uthwatt and reporting in 1942 – see D Bentley: *Land of Make-Believe: Compensating Landowners for What Might Have Been*. Civitas, Oct. 2018. [www.civitas.org.uk/content/files/landofmakebelieve.pdf](http://www.civitas.org.uk/content/files/landofmakebelieve.pdf)
- 2 H Ellis: 'The spirit of '47'. *Town & Country Planning*, 2021, Vol. 90, May/June, 155-56
- 3 D Lock: 'Unnecessary trouble'. *Town & Country Planning*, 2020, Vol. 89, Sept./Oct., 292-96
- 4 See *The Wrong Answers to the Wrong Questions: Countering the Misconceptions Driving the Government's Planning Reform Agenda*. Report by an Independent Group of Planning Academics. TCPA, Aug. 2020. [www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions](http://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions)
- 5 *The Future of the Planning System in England*. HC38. Housing, Communities and Local Government Committee. House of Commons, Jun. 2021. <https://committees.parliament.uk/publications/6180/documents/68915/default/>
- 6 G McEwan: 'Housing minister promises 'holistic review of council planning resources' during Commons debate'. *Planning*, 22 Jun. 2021. [www.planningresource.co.uk/article/1720064/housing-minister-promises-holistic-review-council-planning-resources-during-commons-debate](http://www.planningresource.co.uk/article/1720064/housing-minister-promises-holistic-review-council-planning-resources-during-commons-debate)
- 7 E Kahn: 'Jenrick considering draft planning bill to allow for 'pre-legislative scrutiny''. *Planning*, 20 Jul. 2021. [www.planningresource.co.uk/article/1722637/jenrick-considering-draft-planning-bill-allow-pre-legislative-scrutiny](http://www.planningresource.co.uk/article/1722637/jenrick-considering-draft-planning-bill-allow-pre-legislative-scrutiny)
- 8 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, updated Jul. 2021. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 9 There is no statutory process for regional planning, so it's 'do as you please' at that level. To illustrate the need to be alert, the summer holiday season for most people started around 26 July. For the convenience of government, on 20 July a 12-week consultation period on the hugely important and exciting Oxford-Cambridge Arc started. Digitally, of course, as if no-one is excluded from that world – see [www.gov.uk/government/news/digital-consultation-launched-to-shape-the-future-of-the-oxcam-arc](http://www.gov.uk/government/news/digital-consultation-launched-to-shape-the-future-of-the-oxcam-arc) We know this technique – you stay at home writing your response to my leading questions and I'll look at them when I'm back from my lakeside rental in Cumbria