

April 2002

Planning: Delivering the Fundamental Change JRF Response to the Planning Green Paper (England)

The Green Paper has wide-ranging implications for a number of interests but the Foundation in looking at the proposals has asked:

- Will they promote/support the production of sufficient homes in the right location and at an affordable price?
- Will the proposals help communities engage as a partner in planning the development of sustainable places?
- Will the proposals support and enhance other policies to renew declining areas?

Summary Views and Reactions

The Main Issues

- The Planning Green Paper sets out process reforms for land use planning. There is no National Spatial Strategy or Framework within which to locate these proposals. The opportunity to consolidate and join up relevant policies embedded elsewhere has not been taken.
- Many of the important structures and mechanisms relied upon to deliver reform derive from the Modernising Local Government Agenda and in particular the Local Government White Paper. The regional level of governance is also given an important role in the new proposals. Delivery of the Green Paper's aims is dependent on all these new structures bedding down quickly and linking together productively.
- It is not clear how the new Local Development Framework will link to the Community Strategy. This needs to be resolved for the benefits of both land use planning and community planning. The objective of a speedier and more efficient system is welcome but this must not be at the expense of meaningful community engagement if sustainable developments are to ensue.
- The proposals promise to simplify a complex system of plans. Despite the proposed abolition of structure plans the system could be more complex, especially in the transitional period.
- It is not clear how planning for housing at the local level will be related to regional strategies. The Green Paper lacks policy ideas or mechanisms for encouraging a better inter-regional spatial balance in development. Without this it is difficult to make progress in integrating policies for housing, labour markets and transport.
- The proposed system of planning tariffs gets round some of the weaknesses of Section 106 as a mechanism for delivering affordable housing. As currently proposed there could be threats to the development of more mixed tenure communities and

historically low current housing output may reduce even further. There are special problems with Brownfield sites.

Background

There is now a broad consensus that sustainable development is best achieved through a plan-led system. Such a system, if properly constituted, provides both the certainty and consistency necessary for efficient, effective and sustainable development to take place, and an open and accountable process for the operation of democratic land-use regulation and community engagement. The Foundation agrees that the present system is failing in many respects in fulfilling these objectives. Some of these failures derive from the operation of the planning system itself, but others relate to the context in which planning operates. The relationship between the **process** of land use planning/regulation and the **content** of planning policies, is critically important. However, the Green Paper concentrates on processes leaving policy statements strewn in a range of different documents. In addition there is the issue of adequate resources – the planning service has suffered from a relatively low level of resourcing, with evidence of significant problems over the last five years.

The Green Paper identifies four key problems with the present system:

- Complexity
- Speed and predictability
- Community engagement
- Customer focus and standards of service

Whilst problems can be acknowledged in each of these areas, it is by no means clear that, taken together, they constitute a comprehensive analysis of the shortcomings of the present system. Measures taken to remedy individual deficiencies may, therefore, fail to ensure the fundamental reform the Government is seeking. The Green Paper does not analyse the relationship between central and local government in seeking to implement a plan-led system over the past decade, but rather seeks to provide a new strategic focus through simplifying the complex hierarchical system of plans. At the heart of the proposals is the intention to move from a four-tier system of plans to a two tier system, namely regional and local. But this intention to simplify the development plan system is set in the context of two quite fundamental changes in the system of governance within which the planning system is to work:

- The modernising local government programme, set out in the recent White Paper, provides for much more 'joined-up' policy at the local level. The most important implication for the planning system is the requirement, set out in the Planning Green Paper, to link the proposed new Local Development Frameworks with Community

Strategies.

- The proposals relating to regional government, which provide the context for the new statutory regional spatial strategies.

Hence the four key problems identified in the Green Paper will be set within a radically different system of governance. It is unclear, at this stage, whether the new planning system will be better able to reconcile a number of key tensions which include:

- The need to balance speed and predictability with enhanced community engagement
- The desire to reduce plan complexity with the need for more relevance in plan content

Each of these has different manifestations at the local and the national/regional levels.

The Local Level: Planning with local communities

a) Local Development Framework

We welcome the suggestion of linking the proposed Local Development Frameworks (LDF) to Community Strategies but are concerned that the nature of this relationship has not been fully explored and detailed. If the Government wishes to reduce the number of policies and plans which local authorities have to prepare, as the White Paper proposes, there would seem to be merit in integrating the LDF with the Community Strategy. On the other hand, the desire to provide a more flexible statutory basis for land-use planning and regulation than the current system of authority-wide development plans, seems to have resulted in a potentially complex system of action plans within the LDF. The up-dating of both core policies and action plan proposals could become very complex, not least in relation to their re-engagement with the Community Strategy. The Foundation notes that the precise mechanisms for formulating and up-dating the new system of plans are not detailed. Until the detail is presented judgements cannot be made as to whether greater flexibility and speed can be delivered.

Major uncertainties include:

- The potential for an ambiguous policy context for those areas not included within action plans.
- The precise status of action plan policies as part of the statutory development plan or as supplementary planning guidance.
- The practicalities of continuously up-dating plans and policies, both within the LDF and in relation to the Community Strategy.
- The relationship between the integrated local housing strategies proposed in the White

Paper, the LDF, and the Community Strategy.

The proposed innovation of LDFs, therefore, does not **guarantee** enhanced clarity, reduced complexity, or more up-to-date plans. The new planning system may not be able to deliver the certainty, predictability and enhanced speed of operation required by business. In the absence of clearer proposals by Government concerning the role of Local Strategic Partnerships in delivering Community Strategies, the precise role of the LDF in engaging the community will also remain problematic. Indeed, the notion of 'the community' deployed in the Planning Green Paper itself suffers from lack of precision.

An added complication is the new requirement on Local Strategic Partnerships to produce community cohesion plans. These will have real implications for spatial planning.

Community based Action Plans are an innovative proposal and welcomed in principle. Again, the detailed arrangements for their preparation and approval, and their relationship with Local Development Frameworks requires further clarification. Community engagement in housing and regeneration practice has deepened. The planning world could benefit from experience and practice in these fields.

b) Development control

Many of the proposed reforms to the operation of the development control and planning appeal systems set out in the Planning Green Paper are welcome. It is doubtful that these, taken together, constitute a fundamental change, many of them being based on best practice within the present system. The new targets for the determination of planning applications will rely, ultimately, upon the sanctions of the 'best value' regime. There may be some concern that development control efficiency may be pursued as a goal in its own right, and it will be important to maintain the relationship between development control policies and the provisions of statutory development plans, which, in the guise of the LDF, may be a more complex task in future.

Other measures of note include:

- The introduction of **delivery contracts** for major development proposals

This improved 'project management' approach will depend for its efficacy upon compliance with the Statement of Community Involvement, and here again the Planning Green Paper lacks sufficient detail, although the principle of partnership working is welcome.

- **Business Planning Zones** where no planning consent will be necessary for development.

The Foundation considers that this proposal serves no useful purpose. The principles of sustainable development and democratic accountability should apply equally to all development proposals in a plan-led system. Specific exemption for certain kinds of high technology industry, even within “tightly defined parameters” is not justifiable.

- **Masterplanning of major developments**, if taken together with delivery contracts for larger developments, could represent an innovative fusion between plan and regulation processes, and offer real possibilities for local community engagement. The potential for public/private partnerships in delivering mixed-uses and mixed housing tenures is considerable. The proposal to substitute certificates for outline planning permission needs more clarity and detail; housing developers are likely to be cautious in the short term. Taken together with the proposal to limit permissions and consents to three years, housing providers could be reluctant to commit themselves to extensive developments with long lead times. This could adversely affect both the provision of housing (including affordable housing) and the re-use of brownfield land. The Foundation has expressed its concern at current low levels of housing provision in the recent “Land for Housing” report. Anything which dampened house production further would be a cause for great concern.
- **Statements on Community Involvement:** whilst the Planning Green Paper introduces proposals for a number of innovations in the control of development which offer the potential for a greater degree of community involvement, the lack of clarity concerning the processes and timetables associated with the Statement of Community Involvement make it very difficult, at this stage, to determine whether the new system will be based upon a greater degree of community engagement, or will simply represent a revised form of community consultation. Again, housing and regeneration practice can offer useful lessons.

Of great concern is the failure in the Planning Green Paper to adequately address the issue of the transitional arrangements which would apply as the new system is introduced. The present system would start to rapidly decay, but at an uneven rate across the country, whilst the new system would also be introduced at an uneven rate, as the different configurations of Community Strategies, Local Development Frameworks and Action plans are introduced. It is here that the role of strategic planning at national and regional levels become most vital.

The National/Regional Level: Strategic Spatial Strategies

The proposal to introduce statutory regional spatial strategies (RSS) to replace the present system of regional planning guidance is welcome in principle, but raises profound issues of democratic accountability, integration of policy fields (horizontal links) and the relationship

between regional and local levels of governance (vertical links). The RSS, like the Community Strategy at the local level, is envisaged to constitute a partnership process, but whereas the Planning Green Paper envisages that the new local planning system will provide a more “spatial” strategy, both the regional and national frameworks appear to be less integrated and more limited in their scope in relation to the proactive territorial management of space.

Particular concerns relate to:

- The ambivalent situation (in advance of the forthcoming White Paper on regional government) of RSSs since elected regional government will be patchy.
- The potential for complex tiers of plans to develop in areas where sub-regional plans are required.
- The rather limited scope indicated for RSSs, rather than as vehicles for regional regeneration and sustainable development.
- The lack of clarity in specifying the relative roles of regional planning bodies, the Regional Development Agencies and the Government Offices in achieving strategic co-ordination with local authorities and their Community Strategies and LDFs.
- The lack of a clear framework for ensuring **inter-regional** co-ordination on nationally important objectives. Without this we will continue to fail to promote and enable housing provision on a sufficient scale nationally. The link between housing demand and areas experiencing economic growth becomes more evident and the planning system has a contribution to make to increase the attractiveness, long-term, of areas currently lagging behind.

The proposal to abolish the present strategic level of plans represented by Structure Plans and Unitary Development Plans should be viewed in this context, for without greater attention to the arrangements for the transitional period, particularly in the context of sub-regional plans, there is a very real possibility that local and regional strategies may diverge. One of the most ‘at-risk’ policy areas is likely to be strategic housing provision.

Whereas the Green Paper identifies regional planning guidance as failing to take the hard decisions in relation to housing provision, the Foundation’s ‘Land for Housing Report’ concludes that national government has a key responsibility in this area, and it is disappointing that the Planning Green Paper continues to neglect this issue.

Unless there is greater clarity concerning the regional level of government and planning, the new planning system is unlikely to be less complex in its system of strategic planning than the present system. The Foundation remains concerned that this will continue to frustrate the

adequate provision and location of housing on an appropriate scale.

Engaging the Community

The new emphasis in the Planning Green Paper on the local level in providing an opportunity for enhanced community engagement is welcome. The Foundation's recent Area Regeneration Programme clearly indicates the scope for a more integrated and community-based approach to planning on this scale. In particular, the proposals to link the LDF with the Community Strategy, and to actively involve the community in the preparation of Action Plans, could provide a useful framework for a more socially inclusive and community-relevant planning process. However, in the absence of any thorough discussion of the nature of 'the community' to be engaged, there is a concern that the rather traditional model of the local authority/business/community deployed in the Green Paper might simply lead to a revised form of 'corporatism' at the local level, in which certain interests have a privileged place in the planning process, whereas others participate in a more consultative and limited manner. There needs to be greater clarity concerning:

- The manner in which both Community Strategies and LDFs mesh with Local Strategic Partnerships.
- The way in which timetables for Community Strategies and LDFs incorporate the Statement of Community Involvement.
- The relationship between masterplanning of major sites and the 'certificate' procedure, and the operation of the new planning tariffs announced in the Planning Green Paper.
- The relationship between the strategic arrangements at the regional level and the degree of conformity expected of Community Strategies and LDFs.

It is perhaps symptomatic of a lack of clarity in these areas that there have been renewed calls for a 'third-party' right of appeal against the grant of planning permission. The Planning Green Paper's rejection of this proposal would be more convincingly grounded if some of the uncertainties associated with the precise degree of community engagement proposed in the new planning system had been fully articulated, rather than merely sketched.

Summary

The Planning Green Paper for England makes a number of significant proposals for a reform of the planning system. At the heart of these proposals are, at the local level, the replacement of the system of local plans by a new Local Development Framework and, at the regional level, the institution of a new system of statutory Regional Spatial Strategies.

The Foundation's "Land for Housing" report makes a strong argument for the development in the UK of a more proactive territorial management of space. The new system of regional

planning proposed in the Green Paper provides the framework for the regional dimension of such an approach, but is deficient in certain areas:

- The absence of an English or UK national spatial framework, conforming to the broad principles of the European Spatial Development Perspective.

The proposals for a 'slimline' system of national planning policy guidance and a new parliamentary process for major infrastructure proposals do not provide the necessary degree of integration for joining-up planning policies with the wide range of other aspects of policy and implementation. Nor do they provide an adequate basis for resolving inter-regional issues such as the relationship between housing provision, effective infrastructure and sustainable development.

- In advance of proposals for regional government, there is a 'democratic deficit' in the interim provisions for regional planning bodies, which will damage the legitimacy of regional planning and come into conflict with community engagement at the local level.
- If sub-regional strategies are to be developed, their scope, focus and content requires further consideration, as does their relationship with Community Strategies and LDFs. Any advantages gained by the abolition of structure plans could be outweighed by the development of an intermediate tier of plans of uncertain status and complexity.

There is concern that the complexity of the transitional arrangements could significantly impede the strategic need to make adequate provision for housing (including affordable housing), and to link such provision to effective programmes of community regeneration.

At the local level, the proposal to abolish the present system of local plans is a 'high-risk' strategy if the focus upon a 'plan-led' system was lost in the transition to a new system. This is clearly not the intention, but the new system contains major uncertainties relating to:

- The relationship between the Local Development Framework and the Community Strategy (as well as to Regional Spatial Strategies and sub-regional strategies).

It is not clear which components of the new system will comprise the 'statutory development plan'. The requirement that the LDF should relate to the Community Strategy is a positive step in principle if it leads to the development of localities and neighbourhoods formulating integrated strategies for the well-being of their communities, but the relationships to Local Strategic Partnerships remains unclear.

- The relationship between community-based action plans and the LDF also requires clarification, to ensure statutory rights of consultation and to ensure public scrutiny.

It will be essential for Local Strategic Partnerships to develop community involvement programmes facilitating the involvement of local private, public and voluntary sector groupings (and to develop measures to ensure that these programmes are socially inclusive). The Statements of Community Involvement should be necessary not only in the case of major developments, but also for local authorities in their LDF and Action Plan activities. This could facilitate a more rapid and consensual public local inquiry process.

Once again, there is concern that the apparent reduced complexity in development plans will be offset in the transitional period by a greater complexity between the Community Strategy and the LDF. There should be scope, in the spirit of the White Paper, for a greater integration between the two than is proposed in the Planning Green Paper, both to ensure more 'joined-up' community policy-making but also to minimise delay, uncertainty, and unnecessary overlap.

If the new system is to achieve an iterative process in which participation in neighbourhood planning issues both informs, and is informed by authority-wide, regional and national strategies, the planning process has to be truly 'two-way' between community and national/regional levels. The Planning Green Paper goes some way in this direction, but contains significant omissions if a truly positive framework for sustainable development is to emerge. Little thought seems to have been given to the transitional arrangements which might apply in the short term as the new system is established, and here the loss of momentum to programmes of housing provision and urban regeneration could be debilitating, both to the national macro-economy and to local communities.