

planning in crisis?



The Raysford Review has taken on the ambitious task of an end-to-end examination of the English planning system to see what, if anything, is worth saving from the intense process of planning reform. After a year of taking extensive and often conflicting evidence, the Review launched an Interim Report in the House of Lords on 15 May. The report, which is available as a free download from the TCPA website,¹ attempts to clear the ground about some of the myths surrounding the planning system before drawing on the evidence to offer nine propositions for the future of the system. These propositions – reproduced on the next two pages here – address the rationale, purpose, structure and governance of the system. The idea is simply to generate further debate before the Final Report is published in November.

Painful though it may be, the Review team are keeping a genuinely open mind about the outcome of the next phase of the Review. It is true that some big-picture issues have been settled, including the importance of legal a purpose for the system based on a meaningful definition of sustainable development. But the majority of the detail remains to be resolved, and further responses are very welcome.

The response so far to the Review has been heartening and challenging in equal measure. There is real and growing interest, which suggests that people care about the issues that the Interim Report highlights. Good planning seems to matter to people. But the launch events and subsequent online comment also illustrates some strong criticism of the Interim Report which it is useful to reflect upon. In doing so, the intention is not to be defensive but to explain the Review team's approach and hopefully encourage further debate. In summary, there were four main areas of criticisms – excluding those that were unprintable!

The first is that the Interim Report does not adequately reflect the evidence that the system is failing on particular issues, from the concerns of the



heritage sector to those focused on the promotion of equalities and social justice. There was indeed powerful evidence to suggest that the current system does not reflect these diverse interests. The way the Interim Report sought to handle these concerns was to present the widespread dissatisfaction with the outcomes of the system as being symptomatic of a set of more profound failings which relate to the purpose, structure and governance of the system. Fixing these problems should lead to a system which can command more confidence and deliver better outcomes.

A second and related strand of criticism is that the Review has underplayed the anger of the community sector over the current state of the planning process. This is a legitimate concern and relates partly to the nature of the evidence received, which was inevitably often anecdotal and verbal. The Review, like the planning system, has a difficult task in dealing with this kind of knowledge, which many

Nine propositions for a new planning system

Proposition 1: Planning in the public interest

There is both an evidential and a principled justification for the regulation of land and the built environment. This justification is founded on the inability of market mechanisms alone to deliver a full range of public interest outcomes, and on the principled assumption that decisions with a lasting impact on people and places should be subject to democratic accountability that goes beyond the exercise of individual property rights.

Proposition 2: Planning with a purpose

The basic purpose of planning is to improve the wellbeing of people by creating places of beauty, convenience and opportunity. The lack of any clear, overarching legal purpose for the planning system has led to confusion about what planning is for. The best way of solving this problem is to create a meaningful objective focused on the delivery of sustainable development. This objective is articulated in the United Nations' Sustainable Development Goals and in the 2005 UK Sustainable Development Strategy. This objective should be set out in a statutory purpose for the system and in supporting policy. The statutory purpose of planning should be as follows:

The purpose of planning

The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.

Proposition 3: A powerful, people-centred planning system

The planning system must be capable of dealing with the complex interrelationship between people and their environments. The scope of planning is therefore concerned not simply with land use, but with broader social, economic and environmental implications for people and places.

Planning requires sufficient regulatory powers to deal with problems where they are found. This means, for example, the control of changes to both urban and rural areas which may play a crucial role in creating cohesive communities and building resilience to climate change. To be effective, these

powers must be comprehensive and should relate, with minor exceptions, to the use and development of all land and property. This requires both the restoration of development management powers over the conversion of buildings to homes under permitted development rights and the creation, for the first time, of a genuinely plan-led system which can deliver co-ordination and certainty to developers and communities.

Proposition 4: A new covenant for community participation

To be effective, planning must have public legitimacy. This legitimacy is under intense strain, with a broad disconnect between people and the wider planning system. Restoring legitimacy is a long-term project, requiring clarity on how far the citizen can positively participate in decisions. This, in turn, is based on action in four areas:

- democratic renewal, including clarity on the balance between representative, direct and participative democracy;
- clear citizen rights, based on the provisions of the Aarhus Convention, so that people have a right to information, a right to participation, and a right to challenge – this will include exploring how civil rights in planning can be more evenly distributed;
- a significant new approach to helping communities to engage in the planning process, with a focus on engaging groups who do not currently have a voice, such as children and young people; and
- a new professional culture and skills set directed at engaging communities.

Proposition 5: A new commitment to meeting people's basic needs

While measures to increase public participation would improve the process of planning, they need to be accompanied by rights to basic outcomes which reflect the minimum standards that people can expect from planning. These outcome rights are an important balancing measure to ensure that the needs of those who may not have a voice in the planning process, including future generations, are reflected in the outcomes of decisions. These rights might include:

- a right to a home;
- a right to basic living conditions to support people's health and wellbeing, secured through minimum design standards which meet people's needs throughout their lifetime; and

- a legal obligation to plan for the needs of future generations, through, for example, consideration of resource use.

Proposition 6: Simplified planning law

There is a powerful case for a simplified, consolidated and integrated Spatial Planning Act for England, to create a logical set of powers and structures. Planning must be capable of intervening at the right spatial scales to meet future challenges, including both local and neighbourhood issues as well as issues at much wider landscape and catchment area scales. To maximise the potential for the co-ordination of investment and other action to deliver effectively, regional and local strategies must be set within a national framework which reflects the nation's development priorities.

The structure of English planning should be composed of four spatial scales (neighbourhood, local, regional, and national planning), supported by the deployment of modernised Development Corporations to deal with particularly demanding issues such as flood risk, economic renewal, and population change. While the majority of decisions should remain with local planning authorities, regional and sub-regional planning will require renewed clarity on which institutions will be planning at this scale and the remit and governance arrangements that they should have.

Proposition 7: Alignment between the agencies of English planning

Investment in infrastructure needs to be co-ordinated with plans for housing as a shared ambition across the planning and development sector. The question is how to achieve such joint working. There is a significant opportunity to ensure better co-ordination between the existing public institutions that have a stake in the planning process – including the eight government departments with a stake in planning and their various agencies, such as the National Infrastructure Commission, the Infrastructure and Projects Authority, and Homes England. Closer alignment of these bodies and clarity over their specific responsibilities would aid delivery.

Proposition 8: A fairer way to share land values

The regulation of land generates substantial betterment values, created by the actions of public authorities but largely accruing as windfall gains to landowners. This can distort the planning system by incentivising speculation in land. It also leads to an unfair distribution of values in terms of meeting the costs of infrastructure and social facilities, and reduces opportunities for the long-term stewardship of

community assets. A new planning system should provide a more effective and fairer way of sharing land values, and the Review is exploring three related options:

- measures specific to large-scale growth conducted by Development Corporations and local planning authorities;
- a reformed Section 106 and Community Infrastructure Levy process; and
- an element of betterment taxation, as part of capital gains tax, which should be directed towards regeneration in low-demand areas.

Proposition 9: A new kind of creative and visionary planner

While a clear purpose and logical structures could do much to improve the planning system, the culture, skills and morale of planners are just as important. Planning is too often misrepresented as a reactive and negative profession, where the height of a planner's power is saying no. Current planning practice too often irons out the imaginative skills most useful to civil society. Planners and planning need to communicate their creative and visionary ambition, not to impose upon communities, but to inspire action by offering real options for the future of places. This requires reform of the education, ethics and continuing professional development of planners, but above all it requires a system, supported by necessary resources, that values high-quality and inclusive outcomes as much as it values speed of performance.

These nine propositions are the basis for a conversation about the future of planning in England, but the ambition of the Final Report, due to be published later this year, is to offer a lasting settlement around a new planning system. A planning system which is truly fit for purpose must offer a compelling and optimistic vision for the future of the nation, setting out the role of people and participation in the planning process.

Above all, change requires a new political consensus on the benefits of organising our activities to face the big challenges of the 21st century. Such a consensus may seem a distant prospect, but the value of planning should be defined not by political preconceptions but by the practical value of organising ourselves effectively to face the future.

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www.tcpa.org.uk/raynsford-review