

planning reform in england— a proposal

The **Chartered Planners in Academic Practice (CPIAP)** group set out a 'manifesto' on planning reform, arguing that reforms to date have failed to properly address the excessive level of detail in plans, the management of uncertainty, and ways to connect central and local government—and proposing a strengthening of planning's role as an integrating mechanism for supporting the country's economic, social and environmental needs

This paper asserts a renewed rationale for planning, calling for a genuinely plan-led system, and highlighting the key challenges confronting the development and delivery of such a system. It argues for a strengthening of planning's role as an integrating mechanism for supporting the country's economic, social and environmental needs as they impact on places and the use of land. It therefore sets out proposals to address the limited coverage and nature of approved up-to-date Local Plans in England and the endemic challenges to planning processes and practices.

Our proposals do so without the damaging 'tear it down and start again' approach behind the 2020 Planning White Paper¹ or the less dramatic, but still less than ideal, changes in the Levelling-up and Regeneration Bill (LURB).² In particular, we argue that planning reforms have failed to address key matters related to the excessive level of detail in plans, how to manage uncertainty, and the means of connecting central and local government through cross-boundary institutions.

The government's recent proposals are the latest in a long line of attempts at reform. Constant reform of the system has created instability in the Local Plan system while never meeting government expectations or goals. Nor have planning reforms been set within the wider context of changing policy, deregulation, inadequate resourcing, and

public misunderstanding of the purpose of planning. Attempts at radical change have generally ended in compromises and, at times, exacerbated the problems of reconciling different views and needs without resolving the system's underlying purpose, its resourcing, or its policy culture.

This problem is demonstrated by the recent consultation on changes to the National Planning Policy Framework.³ What is being proposed seeks to assuage the concerns of those opposed to new housebuilding, and now threatens the delivery of the new housing that is so desperately needed. Moreover, the local planning system has now become primarily a tool for delivering market housing sites and has lost many of the other integrating roles that it once had. This contributes to the distrust that communities now have in the planning process.

Importantly, the planning system is in many areas plan-led in name only, with nearly 60% of local authorities in England having no up-to-date plan (i.e. adopted within the last five years). It is meaningless, despite the obligation provided by statute, to require that planning applications be decided in line with the relevant Local Plan if there is no plan in place. Without a plan, local authorities become little more than advocates of good practice, ad hoc decisions become widespread, and delay and uncertainty become inevitable. The result is that decisions often revert to central government through



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the appeal or call-in system, further reducing local communities' confidence in their local planning system. The situation has produced a *plan-less system*.

A system not fit for purpose

Our starting point is that, wherever one sits on the political spectrum, there is general acceptance that the planning system in England is not fit for purpose. The current state of planning is characterised by persistent delay, uncertainty, continual change, confusion, underfunding, and a collapse of professional and local political morale. The system has retrenched to bureaucratic processes and is seldom a key agent and facilitator of deliberation or of the changes needed to confront the challenges of the new era.

The current planning system therefore provides neither an integrated, nor a long-term framework for managing the built and natural environment, or for meeting the immediate needs of communities for decent homes and jobs. Those sceptics who would leave change to the market fail to acknowledge that we face a growing number of challenges which have spatial consequences and that planning, as a policy instrument, has a critical part to play in addressing them, through the application of evidence, analysis, policy, and projects.

Indeed, the current state of the nation highlights how vital spatial planning is to the health and

prosperity of our country. The UK now has the highest levels of regional inequality among major developed economies, reducing our productivity and economic growth. Indeed, there are echoes today of the same challenges that have made planning essential over the last two centuries: the health concerns arising from the slums of the 19th century, and the need to address regional inequalities arising from inter- and post-war industrial decline.

These challenges persist and have become more pronounced. Just in terms of housing quality alone, over 3 million households in the UK are living in 'non-decent' homes.⁴ In addition, there are new threats to our communities arising from climate change and biodiversity loss. Against this background there is a growing list of new policy requirements to be met in plans, including, for example, biodiversity net gain, nutrient neutrality, and net carbon zero. We therefore have an ironic situation in which the list of government requirements being placed on our planning system grows while Ministers criticise it for its perceived delay resulting from their failure to resource it adequately.

The context for planning is further changing as a result of the emerging 'mega-trends' for life after Covid-19 and other global challenges that will expose further the weaknesses of our current system. This

new era has been characterised by the UK 2070 Commission⁵ in the following terms:

- **An age of uncertainty:** The limits on the ability to act with confidence.
- **Increased fears:** The need for greater emphasis on safety as well as security.
- **Local empowerment:** The demand for supported and not controlled devolution.
- **A renewed state:** The need for a more proactive government.
- **Growing inequality:** The increased need to tackle growing social and economic divisions and inequalities across the UK, including in ethnicity, gender, and health.
- **Beyond austerity:** The need for a frugal economy, meeting the needs of society with lower consumption of resources and building on the increased importance of social capital.

The continuing rationale for planning

Despite the constant critiques to the contrary, we assert that planning has a major role to play in meeting these challenges. It has the potential to promote both efficiency and equity by stimulating and regulating land and property markets to meet the wider goal of delivering a just and green economic future for the UK. In dealing with externalities, for example, it can enhance people's health and wellbeing. Planning also advances efficiency and equity by capturing for public benefit the uplift in the value of land (or economic rent) unlocked by planning permission, or by providing the infrastructure needed for new development and the affordable housing required to meet the needs of those priced out of the housing market, including by the price effects of necessary planning constraint policies.

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Communities want to shape their own futures; citizens are interested in change; and residents talk among themselves about local planning decisions. But the opportunities to use planning to make a real difference are just not there at the moment. And there is confusion over planning consultations and more open forms of public participation, which are increasingly popular. We need visions of how our country and localities can evolve in ways that are sustainable, efficient, and equitable. Because the

interrelationships of development are more than local, the issues and challenges involved inevitably cut across administrative boundaries—and so must planning.

The planning system should enable spatial visions of well designed places to be set out—visions that deliver sustainable urban forms and wellbeing for current and future generations. It should, and can:

- Address externalities (i.e. enhancing good ones; limiting or avoiding bad ones).
- Secure public goods which the market will not necessarily provide (for example biodiversity, open spaces, high-quality urban design, and the protection of heritage and landscape assets).
- Resolve potential conflicts between the immediate needs of individuals and the longer-term goals of society (for example, to address climate change and promote genuinely sustainable development).
- Redress the impacts on those who lose out from planning decisions (for example securing more objectively affordable homes in areas of high house prices where the supply of new homes is planning-constrained for good reasons).
- Co-ordinate and integrate development with the infrastructure it needs in a timely, effective and efficient manner.
- Provide a clear democratic framework for the making of planning policies and development decisions, including connecting central with local policy choices.
- Safeguard the rights for all citizens to have a voice in policy discussions, whether they are promoting development or are otherwise impacted by it.

The dilemma for discretionary planning

We need not only a system for scrutinising and deciding on planning applications, but also reliable intelligence about change and relevant policy frameworks (i.e. development plans) to enable us to make these decisions consistently and transparently, and not on an ad hoc and incremental basis.

Nobody wants a 'slow' form of planning,⁶ nor one that fails to respond to new development opportunities or local desires. But incremental planning decisions only store up longer-term opportunity costs for places. This is proving increasingly problematic in England because of the way that the system has been continually altered, has lost strategic functions, and is inadequately resourced, as well as suffering from 'gaslighting' over its role and importance.

Our planning system, however, operates within common law, where discretionary judgement is important, and not as a rules-based legal framework.⁷ But planning needs a stable system of plans for exercising this discretion when considering the merits of planning applications. Without it, discretionary decision-making will be inconsistent, subject to local political exigencies, and have unintended consequences.

Yet plans must also be responsive to circumstances and be able to take account of changes that occur since the plan was adopted. International comparisons show that the contrast between rules-based and discretionary approaches are more imagined than real and that most systems are, in reality, hybrid. Plans need to provide real guidance and certainty while enabling flexibility to take account of the merits of development applications and changing circumstances.

There are therefore two challenges that need to be reconciled in any attempt at planning reform. First, a *plan-led system* requires *every community* to have a plan which also takes account of both the wider area within which people live and work and the wider societal challenges. Secondly, a *plan-led system* requires *plans which are kept up to date*.

Key challenges for making plans

The planning system has, over time, produced some influential plans which have resulted in transformational outcomes, creating 'great' places. It has been particularly good at project planning and management where the future is known and funding has been secured—as, for example, the RTPI Awards for Planning Excellence regularly demonstrate.

But the current reality is that many local authorities lack the capacity to make plans and get decisions made in a timely manner. It also means that there is no safeguarding of third-party rights to participate, which in England are meant to be achieved through the Local Plan participation and inquiry process.

We therefore need to be honest about the reasons why plan-making today is so difficult, slow, and cumbersome. It is not solely because visions and their manifestation in plans are contested and subject to debate—a *sine qua non* for any democratic society. It arises from a wide range of other challenges, including:

- the downgrading of the role of the chief planner within local authorities' leadership teams;
- the reduction in local government finances, resulting in poor pay for those in local authorities, leading to difficulties in getting the staff needed to develop plans and deal with planning applications;
- a lack of relevant data, resulting in a mismatch between data/intelligence collected by local planning authorities about local planning change and data/intelligence collected by other agencies that relate to land, resources, and even commercial activities;
- the lack of powers and finances to implement plans, for example through land acquisition;
- increasingly litigious processes and a growing prevalence of 'crowd-protest', partly in the context of growing resistance to new developments (Nimbyism, etc.), so that planning now struggles to be a trusted guardian of the public interest;
- the fragmented nature of government, which adds delay given that many of the new demands

on the planning system arise from the needs of government departments beyond planning—currently, these departments include Defra (the Department for Environment, Food and Rural Affairs), DCMS (the Department for Culture, Media and Sport) and DFT (the Department for Transport) generating policy, while DLUHC (the Department for Levelling Up, Housing and Communities) is 'in the lead'; and

- the electoral system in local government, which often brings changes in control on a very regular basis, creating instability in the political leadership of the planning system at the local level.

These challenges to plan-making arise because of three more fundamental factors:

- the search for certainty in development management through *excessive detail*;
- *flawed planning assumptions* based on past trends and decisions, which can be disconnected from current national priorities; and
- failure to address *uncertainties*, leading to insufficient flexibility to deal with the range of potential futures and present conditions that any community faces.

Excessive detail

The level of detail required in plans has risen, with a focus on making lists of all the criteria needed to consider planning applications. This has been at the expense of developing visions for change. This has arisen for at least two reasons:

- First, planning has become a matter over which there is much more disagreement in recent decades, with more likelihood of challenges; as a result, planners have tended to resort to increasing the level of detail to cover all eventualities.
- Second, despite the government asserting that it wants to simplify planning, it has in fact added many additional responsibilities, such as introducing Neighbourhood Plans, requiring new development to enhance biodiversity, getting local authorities to introduce design codes, and capturing more land value to fund infrastructure and new affordable homes.

Flawed planning assumptions

Current planning analysis is often driven by mechanistic and retrospective approaches. This is embedded currently in measuring 'viability' based on current market conditions. Yet plans, by their very nature, seek to transform market conditions. The system needs to change to allow plans to lead trends, not be led by them, whether this is by creating a 'level playing field' for investment or by creating 'new markets' which are at the heart of transformational regeneration projects.⁸ This requires us to move away from the current 'viability test' of soundness, for example, to 'stress testing' plans, as advocated by the National Infrastructure Commission.⁹

This issue is a particular problem because most plans are based on a 'predict and provide' approach, especially in terms of official housing estimates. Not only does this reinforce the problems of overheated housing markets, but it does not provide for the redistribution of housing demand that is implicit in the levelling-up agenda to rebalance the economic geography of England.⁵

Uncertainty

The planning system seeks to guide development (in terms of scale, location, and quality) within a 15-year-plus timeframe. In doing so, it has to deal with both complexity and uncertainty. However, current policy guidance does not enable Local Plan policies to deal well with uncertainty, even though it permeates the operation of the land and property markets beyond the immediate future. Yet it is over the medium and longer term that plans have most influence. There is therefore a disconnect between the three-to-five-year timescale that governments and businesses use and the 10-15-year horizon of Local Plans. This challenge is exemplified by the tests of soundness around deliverability which require:

*'Confirmation from infrastructure providers that they support the solutions proposed and the identified means and timescales for their delivery, or a plan for resolving issues.'*¹⁰

'The fundamental lesson from these debates and planning approaches is to make commitments only where we know what is needed (and where and when), while leaving open good options for a sustainable future, but without making irrevocable commitments'

This has led to a situation in which most plans are no more than a stock-take of what has already been decided. This is essentially flawed since the plan, by its nature, extends well beyond budgetary programmes and cycles. 'The means and timescales' for the delivery of a plan require an agreed plan to be in place before commitment will be made by infrastructure providers to servicing the planned development.

This has special relevance to ensuring that Local Plans take account of unavoidable uncertainty that is faced in policy-making. As the government has recognised in its Resilience Framework, the risks that we face are complex, evolving, and sometimes uncertain, and this requires us to adapt systems and incentivise risk-based decision-making.¹¹

The risks with which planners have to deal can be estimated, and mitigated to varying degrees. For example, the risks that infrastructure will not be provided on time can be managed by phasing and review processes. Uncertainty, however, is different from risk and needs to be built into how we 'do' planning. In attempting to create longer-term plans, we must deal with 'radical uncertainty'.¹² We simply cannot assume that the future is certain and knowable over the time periods involved.

However much and however carefully we project, plans and planners must be able to deal with radical uncertainty. In other words, we are dealing with 'wicked problems', which are planning's 'central dilemma'.¹³ It is remarkable, for example, how infrequently the words 'time' or 'uncertainty' appear in planning literature,¹⁴ compared with words like 'balance'¹⁵—an inheritance perhaps of planning's design and engineering foundations. Planning has been driven to prepare and to adopt plans which are based on unrealistic certainties. Yet we know that successful planning requires a combination of discretion to foster flexibility and rules to foster certainty. Our discretionary system facilitates flexibility by enabling departures from development plans when circumstances have changed since a plan was adopted. This should enable the planning system to address uncertainty as well as risk if it is genuinely plan-led, and not merely ad hoc.

Lessons from the past?

The challenge of planning for an uncertain future is not a new one. This issue faced the drafters of the 1947 Town and Country Planning Act when they debated the level of detail to be offered in statutory development plans.¹⁶ Despite the initial conception of development plans as outline plans, supported by more detailed plans to be drawn up only where commitments were needed, the system evolved into detailed Town Maps covering everything, everywhere. As Delafons¹⁷ noted, these were remarkably similar to the zoning plans found across much of the rest of Europe, ones that were contingent on more rules-based legal systems.

The Planning Advisory Group (PAG) report of the mid-1960s¹⁸ also recommended separating long-term strategic (or structure) plans from immediate commitments via local plans. Likewise, the former Scottish Regional Reports system and the later statutory Strategic Development Plans¹⁹ adopted a similar approach. In an analysis of planning in Coventry,²⁰ Friend and Jessop showed how to deal with three types of uncertainty (environment, values, and other agencies' policies and programmes) by securing immediate commitments where needed, while leaving open as many long-term options as possible.

Common to all these approaches was the separation of longer-term strategic questions from shorter-term tactical decisions based upon alternative future



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scenarios. The fundamental lesson from these debates and planning approaches is to make commitments only where we know what is needed (and where and when), while leaving open good options for a sustainable future, but without making irrevocable commitments.²¹

Good planning strategies should therefore have reference narratives, have alternative future scenarios, and have time-bound but regularly updated plans. In essence, a sound plan is robust and resilient to a range of plausible alternatives to which it can adapt as the future unfolds.²² A few examples exist of where has been integral to plan-making, including in the larger strategic plans for the Greater London and the Greater Glasgow regions, and in the work of the Glasgow and the Clyde Valley Strategic Futures Group.²³ It is also important for scenarios to be 'owned' by all stakeholders, and not just the planning authority, which was the case with Glasgow and the Clyde Valley.²⁴ Unfortunately, these are the exceptions rather than the rule, and scenario planning is generally inhibited by the different administrative geographies of the bodies involved.²⁵

What we need is an ability to be nimble—learning and adapting to uncertain events within clear frameworks, rather than wasting time creating the

illusion of certainty by trying to predict and make overly detailed plans for a definitive long-term future. We should be detailed when dealing with clearly knowable and more immediate matters, but also think flexibly about longer-term futures.²⁶ In this context we also note the growing debate around our responsibilities to future generations.²⁷ This has always been at the forefront of planners' thinking and something that features strongly in political philosopher John Rawls' reflections on fairness as social justice and our obligations to future generations in his 'just savings principle'.²⁸ This approach is also consistent with Amartya Sen's approach to social justice:²⁹ that we should focus on solving current problems step by step rather than searching for what may be an illusory, difficult and long-drawn-out search for a perfect end-state.

We also need adequate governance structures to deal with key cross-boundary issues on a functional regional basis. Without some form of sub-national governance and planning arrangements, these issues will always default back to Whitehall (i.e. they will remain centralised). The emergence of mayoral and combined authorities is a step in the right direction. However, we still have, despite the recent moves to more unitary authorities in England, an essentially two-tier structure of local government, in

which planning is the responsibility of the lower tier (and thus not strategic at all), coupled with weak (or non-existent) regional structures. The solutions to these challenges need to be linked to the debate about devolution and the proposals that were in the White Paper on planning reform and now in the LURB.

Facing the future through plans

Every planning authority should be required to have an up-to-date **planning futures** report, setting out anticipated trends and 'fixes' on key matters (household growth, jobs, water resources, transport investment, landscape protection, regeneration, etc.) and identifying locations where development would be acceptable over the long term with a level of pre-planning and safeguarding.

Planning authorities should also be required to keep a **commitment plan** under review, showing where development over up to five-ten years (the timescale depending on context, including uncertainties) would be accepted and promoted with confidence, and indicated on an OS-base. These commitment plans should be rolled forward every year. Locations should also include those that would be safeguarded as options for the longer term, helping to ensure that programmable commitments do not prejudice feasible and more resilient longer-term development.

Our proposals are for the better co-ordination of policy, development and infrastructure through the following:

- **Robust pathways for the future:** The framing of scenarios should be seen as a collaborative process, fostering a shared understanding of potential futures among all agencies that have a statutory responsibility for the development of strategy. These should evolve a common understanding of the potential futures and an ability to share relevant data and evidence: we must get away from each public agency having conflicting geographies of administration, assumptions, and time horizons.
- **Inclusive and democratic processes:** A planning process will only be owned and legitimised by communities who feel that it includes clear opportunities for engagement and listens to their voices of concern and hope. That means creating spaces for both citizen and business discussion of places, and for their involvement in formal plan production in partnership with local planning authorities. This needs to be more proactive and dynamic than the tokenistic and reactionary opportunities for local planning involvement that have become a hallmark of the present planning system.
- **Plans that deliver:** Plan-making must be explicitly linked to plan delivery mechanisms. Plans must also be related to funding mechanisms, including the use of land value capture mechanisms (such as

planning obligations or the proposed Infrastructure Levy) to help fund locally agreed commitments. Thus, an infrastructure delivery plan should run alongside the short-term commitment plans, with the planning authority using its convening power to secure funding commitments from infrastructure providers, including public transport authorities. These should be reflected in strategic-level infrastructure budgets.

- **Creating places through a spatial programme:** It is essential to identify where new delivery vehicles and funding mechanisms are required to open up longer-term structural urban change, and also where catalytic intervention is unlikely to be promoted by market mechanisms alone. These currently include innovation zones, new communities, and centres of excellence.
- **Strategic planning capacity:** An important additional requirement must be to address the regional and sub-regional policy vacuum that currently exists between central government policy and Local Plans. This vacuum (which is also lamented by the development industry) creates significant policy uncertainty (for example about the numbers of new homes to be provided or the central funding available for necessary infrastructure to support new development). This problem has been exacerbated by the private ownership or fragmented management of key public interest assets that are vital to sustainable development—in particular, water, transport, energy and information and communication technology infrastructure, and educational and health infrastructure.

Strategic enabling

Strategic planning frameworks are essential if Local Plans are to be prepared with the confidence that they will contribute to the wider national agenda and not be undermined by competing proposals elsewhere. This does not necessarily require the reintroduction of older types of planning, such as 'top-down' Regional Spatial Strategies. A multi-level governance framework sitting between central and local government could be delivered through existing mayoral authorities and the intended combined county structures (whose remits need to be extended to cover strategic planning).

This framework, centred on new enabling bodies, could perform three important roles. First, it could maintain regional research and intelligence laboratories with geographic referenced databases on which local planning authorities could then draw, including when agreeing housing targets among themselves. Secondly, it could act as the regional body for infrastructure and other funding streams (for example the Shared Prosperity Fund) on which local authorities could then draw for relevant spending to implement their local planning strategies, including housing targets (aided by their own Section 106/

Infrastructure Levy funding). Thirdly, if linked to greater fiscal devolution and tax-raising powers, mayoral and county combined authorities could help to fund infrastructure, including that which helps unlock new development sites.

Conclusion

These ideas would need to be more effectively reflected in legislation. All mayors or executive bodies of devolved or combined authorities should have a co-ordinating and facilitative planning role, working within a multi-level framework linking central with local government works everywhere. More fundamentally, we are proposing that our planning system reflects an appropriate subsidiarity; with central government devolving power to enable strategic decisions to be taken locally, where necessary through mayoral and combined authority bodies, while local government needs to remit some of its decisions to such mayoral/combined strategic authorities. This would allow strategic planning to play a vital evidential, democratic, managerial and operational role for both 21st century government and the needs of places.

● This paper has been drawn up by members of the Chartered Planners in Academic Practice (CPIAP) network. The CPIAP is a group of chartered planners who, as well as currently holding academic posts (including honorary appointments), have also been chief executives and chief officers of local authorities and/or hold appointments as trustees and non-executive directors of many housing, planning and regeneration organisations. CPIAP members come together to make responses to parliamentary and government consultations on planning and related policy matters, and in particular to help ensure that relevant research informs these policy considerations.

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Notes

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