



# town & country planning

The Journal of the Town and Country Planning Association  
July-August 2022

Volume 91 ● Number 4

- Sue Brownill, Hugh Ellis, Janice Morphet, Andrew Pritchard, Catriona Riddell, and Karl Roberts on the Levelling-up and Regeneration Bill

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**Town & Country Planning**  
**The Journal of the**  
**Town and Country Planning Association**

ISSN 0040-9960 Published bi-monthly  
July–August 2022 • Volume 91 • Number 4

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**Contributions:** Articles for consideration are welcome. Material should be submitted to the Editor, preferably by e-mail and in Word-readable form. Reproduction-quality illustrations are welcome.

**Advertising:** Rates (not including VAT): Full page £800. Inserts from £400 (weight-dependent). Half page £400. Quarter page £300. Ten per cent reduction for agents.

**Subscriptions:** £125 (UK); £152 (overseas). Subscription orders and inquiries should be addressed to:

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Payment with order. All cheques should be made payable on a UK bank. Payment may be made by transfer to:

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Printed by RAP Spiderweb Ltd, Clowes Street,  
Oldham OL9 7LY

Printed with vegetable-based inks on chlorine-free paper from sustainably managed sources.

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The implications of the Levelling-up and Regeneration Bill, pages 228–237 and 244–254. Cover illustration by Clifford Harper. [chcliffordharper@gmail.com](mailto:chcliffordharper@gmail.com)

# and then there were 12!



Following Stuart Andrew's resignation on 6 July after four months in the role, we now have yet another new Housing Minister, in the form of Marcus Jones MP, whose constituency is Nuneaton. Mr Jones became the 12th Housing Minister in a decade.<sup>1</sup> While he has been in post for about three weeks at the time of writing, it remains unclear what, if anything, his appointment might mean for housing policy and planning reform. And with the announcement of a new Prime Minister in early September, and the inevitable subsequent re-shuffle, his tenure may perhaps be short. Before becoming a Member of Parliament the Minister was, however, the leader of Nuneaton and Bedworth Borough Council, so he will hopefully have an understanding of the importance of, and challenges faced by, local government.

He and his new Ministerial colleagues in the Department for Levelling Up, Housing and Communities had to get up to speed with their brief even more quickly than usual, because the Levelling-up and Regeneration Bill continued its passage through Committee Stage in the House of Commons. We still await, however, a number of consultations that were highlighted by government when it published the Bill. According to the 'Next steps' section of the accompanying policy paper,<sup>2</sup> the government will 'continue work on the detail of regulations, policy, and guidance, and will consult on how a number of important provisions could be taken forward'. These consultations include:

- technical consultations on the detail of the Infrastructure Levy;
- a consultation on the new system of Environmental Outcomes Reports, including the framing of environmental outcomes as well as the detailed operation of the new system;
- a technical consultation on the quality standards that Nationally Significant Infrastructure Projects (NSIPs) will be required to meet to be considered for fast-track consenting, and on associated

regulatory and guidance changes to improve the performance of the NSIP regime;

- proposals for changes to planning fees; and
- a vision for the new National Planning Policy Framework (NPPF), detailing what a new framework could look like, and indicating the types of 'national development management policies' that could accompany it.

At least a couple of these consultations had been expected to be published ahead of Parliament's summer recess. However, it seems that the arrival of new Secretary of State, Rt Hon. Greg Clark MP, has caused at least some delays to that timetable.

Perhaps the most concerning challenge posed by the delay is that, as highlighted in Hugh Ellis' article on pages 220–224 in this issue, we need urgent action to place climate change mitigation and adaptation at the heart of planning—including, but not limited to, through a revised NPPF.

The TCPA has long championed the importance of planning in tackling climate change, including through our updated guide for local authorities<sup>3</sup> and new resources for communities,<sup>4</sup> published last year. We had, therefore, welcomed commitments from the government that it would 'do a fuller review of the Framework to ensure it contributes to climate change mitigation/adaptation as fully as possible'.<sup>5</sup> But as a recent decision by the Planning Inspectorate demonstrates (see Hugh's article for further details and discussion), this change to planning policy is needed urgently—alongside, ideally, more powerful statutory levers.

While the changes in Westminster in recent weeks have been dramatic, the Association is also facing change. As Mary Parsons wrote in the preceding issue of *Town & Country Planning*,<sup>6</sup> following six years as Chair of the TCPA Board of Trustees she stood down in mid-July at the Association's Annual General Meeting (AGM). I have been in post for only half of that time, but have been grateful for her advice and leadership over the last three years or so—and in particular her role in getting into place our current strategic plan,<sup>7</sup> which I believe is an important document that articulates why the TCPA's work is so important, and her support in steering the organisation through the Covid-19 pandemic.



In line with our governing documents, one of our existing Trustees has stepped into the role of Chair. As announced at the AGM, Andrew Pritchard has taken up the reins. For those readers who have not come across Andrew before, he has been Director of Policy and Infrastructure at East Midlands Councils, a regional local government association, since 2010. He also supports Midlands Connect on a part-time basis and the emerging proposition for a Locally Led Development Corporation in the East Midlands.<sup>8</sup> The Board, staff team and I all look forward to working with him to continue to maximise the impact of the TCPA's work.

● **Fiona Howie** is Chief Executive of the TCPA.

### Notes

- 1 For an overview of those preceding Marcus Jones MP, see L Geraghty and N Lobb: 'We looked at the records of the Housing Ministers in office since 2010'. *Big Issue*, 6 Jul. 2022. [www.bigissue.com/news/housing/we-looked-at-the-records-of-the-housing-ministers-in-office-since-2010/](http://www.bigissue.com/news/housing/we-looked-at-the-records-of-the-housing-ministers-in-office-since-2010/)
- 2 *Levelling Up and Regeneration: Further Information*. Policy Paper. Department for Levelling Up, Housing and Communities, May 2022. [www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#next-steps](http://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#next-steps)
- 3 *The Climate Crisis — A Guide for Local Authorities on Planning for Climate Change*. TCPA/RTPI. TCPA, Oct. 2021. <https://tcpa.org.uk/resources/the-climate-crisis-a-guide-for-local-authorities-on-planning-for-climate-change/>
- 4 The *Building a Safer Future* suite of documents, aimed at helping communities use the planning system to reduce flood risk, is available at <https://tcpa.org.uk/resources/building-a-safer-future/>
- 5 *Government Response to the National Planning Policy Framework and National Model Design Code: Consultation Proposals*. Ministry of Housing, Communities and Local Government, Jul. 2021. [www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/outcome/government-response-to-the-national-planning-policy-framework-and-national-model-design-code-consultation-proposals](http://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/outcome/government-response-to-the-national-planning-policy-framework-and-national-model-design-code-consultation-proposals)
- 6 M Parsons: 'Goodbye and thank you — and here's to the Sankofa bird'. *Town & Country Planning*, 2022, Vol. 91, May–Jun., 155–56
- 7 *Working to Secure Homes, Places and Communities where Everyone Can Thrive. The TCPA's Strategy January 2021–December 2025*. TCPA, Jan. 2021. <https://tcpa.org.uk/wp-content/uploads/2021/11/strategyfinal.pdf>
- 8 Andrew's observations on key elements in the Levelling-up and Regeneration Bill are set out in elsewhere in this issue — see A Pritchard: 'A Planning Bill in all but name'. *Town & Country Planning*, 2022, Vol. 91, Jul.–Aug., 244–45

The TCPA's **vision** is for homes, places and communities in which everyone can thrive. Its **mission** is to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone.

Informed by the Garden City Principles, the TCPA's strategic priorities are to:



Work to secure a good home for everyone in inclusive, resilient and prosperous communities, which support people to live healthier lives.



Empower people to have real influence over decisions about their environments and to secure social justice within and between communities.



Support new and transform existing places to be adaptable to current and future challenges, including the climate crisis.

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## Happy Birthday Mary Riley

Mary Riley turned 100 on 4 July 2022. Mary was County Planning Officer for Staffordshire, the first woman to be appointed a county planning officer in the UK. She was a Trustee and chaired the Policy Council of the TCPA in the 1980s. She was also a Board member of the Neighbourhood Initiatives Foundation for many years. Her broad experience and wise counsel were of immense value to both organisations. She lives at home in Stafford and, although she can no longer go on country walks, she enjoys reading *The Guardian* and watching sport on TV. Everyone at the TCPA sends her their very best wishes.

# local plans and net-zero objectives



There has been disbelief and despair at the Planning Inspectorate's (PINS's) decision to remove critical climate targets from the proposed West Oxfordshire Area Action Plan (AAP) for a new 'garden village'. This decision is even more extraordinary because the public in West Oxfordshire had backed this ambition. Their views were summarised as:

*'Climate change is the single most important issue for all of us to deal with and this must underpin the development and delivery of the garden village. There should be no reliance on fossil fuels with 100% use of renewable energy. All buildings should be zero-carbon or energy positive...'*<sup>1</sup>

The Salt Cross Area Action Plan would have expected all new development to demonstrate net-zero operational carbon on site—'would' because this ambition has been gutted by the decision of PINS in its notice of major modifications to the plan.<sup>2</sup>

Local authorities driving innovation on climate action have watched the plan's progress closely as a test case of how net zero can be implemented in Local Plans. The decision on required major modifications was published without the report setting out the detailed reasoning. However, because the decision is so damaging to the drive for net zero, it is worth reflecting on how PINS appears to have failed to properly apply both law and policy in a proportionate manner. It is also vital that the TCPA reassures other local planning authorities that the drive for the 'radical reductions' in carbon emissions is lawful, supported by and consistent with national policy, reflects growing community aspirations, and is, of course, vital to our collective survival.

The facts of the case are simple enough. West Oxfordshire District Council set out a robust policy for a new development in an AAP, and in so doing used the Garden City Principles and policy on the circular economy and climate change. This included an overall requirement, set out in the AAP's 'Policy 2—

Net Zero Carbon Development',<sup>1</sup> committing the development to net-zero operational emissions on site. PINS's response has been to water down the net-zero policy, removing both the ambition and the detailed policy approach to deliver it. It is no exaggeration to say that PINS has wrecked the plan's overall net-zero approach. The modifications also remove the ambition for 100% renewable energy generation. West Oxfordshire's original Policy 2 proposed that:

*'Proposals for development at Salt Cross will be required to demonstrate net zero operational carbon on-site through ultra-low energy fabric specification, low carbon technologies and on-site renewable energy generation. An energy strategy will be required with outline and detailed planning submissions, reconfirmed pre-commencement, validated pre-occupation and monitored post-completion demonstrating alignment with this policy.'*

In their explanatory letter for the main modifications the planning inspectors state:

*'... we anticipate that our conclusions in relation to Policy 2 (Net Zero Carbon Development) will come as a disappointment. As such, we will say at this stage that we are not satisfied that Policy 2 is either consistent with national policy or justified. As such, we are unable to conclude that the policy is sound. Our fuller reasoning on this matter will be set out in our report.'*<sup>3</sup>

The TCPA believes that this reasoning is wholly wrong. The National Planning Policy Framework (NPPF) requires (in para. 35(d)) plans to be prepared in accordance with relevant legal requirements and sets out the soundness test for plans, which clearly states that policy must be consistent with relevant national planning policy. The West Oxfordshire policy is, in fact, an exemplar of its kind, based on detailed energy modelling and an effective regime of key performance indicators (KPIs). The modifications will make it vague and ambiguous, which is directly contrary to NPPF policy on plan-making (as set out in para. 16(d)).

The planning inspectors have imposed precisely the kind of ineffective policy that Local Plans should avoid. More importantly, that the planning system should support net zero is clearly government policy,



not the invention of a single local authority. And the government has placed on record its intention to update national planning policy to fully support the net-zero and energy security strategies.<sup>4</sup>

So what are the key legal and policy arguments in this area? It is useful to begin with some clarity on what might be described as 'low-hanging fruit' in relation to planning for net zero. In terms of the fundamental justification for ambitious plan policies on reducing emissions, addressing climate change and specifically carbon reduction are legal and policy priorities for the planning system. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 makes that crystal clear for plan-making, while paras 152–154 of the NPPF, read together with footnote 53, set out the need for 'radical reductions' in carbon emissions and for plans to take a 'proactive approach' to mitigating and adapting to climate change 'in line' with the objectives and provisions of the Climate Change Act 2008.

This means that plans must be in line with the required 80% carbon emissions reduction by 2035 and net zero by 2050. Carbon emissions reduction requirements in Local Plans have twin statutory anchors in both planning law and in relation to the Climate Change Act, whose carbon budgets are adopted as secondary legislation.

Therefore, as a matter of law and policy a local planning authority is entirely justified, and, in the TCPA's view, required, to set out a net-zero objective in planning policy. What we build today will be with us in 2050 and should wherever possible be fit for zero-carbon living. For the avoidance of doubt, it is also the emphatic view of the TCPA that a local authority

can lawfully set local energy efficiency requirements for new homes above Building Regulations (by 20% or otherwise), provided they are justified by local evidence in the usual way.<sup>5</sup> The rest of this article sets out the basis for this view, as well as the wider legal and policy requirements that currently apply to planning for climate mitigation.<sup>6</sup>

At the time of writing we do not yet have the West Oxfordshire inspectors' detailed reasoning report, but, from what we do know, their required modifications appear to be based on concerns about the degree to which the AAP was compliant with national policy. Hobbling the plan's net-zero policies on that basis would be a clear departure from applicable law and policy.

In fact, the NPPF tells us that strategic policies should look ahead over a minimum 15-year period from adoption, 'to anticipate and respond to long-term requirements' (para. 22). So, at the very least, plans should be in line with the 80% cut in emissions by 2035 set in the Sixth Carbon Budget. And the NPPF makes clear (again in para. 22) that 'Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years)'.

So, at the very least, a plan must reference the relevant carbon budget for the plan period and demonstrate the plan has the means to deliver new development in line with it. Any plan without such a policy cannot, reasonably, pass the NPPF soundness test. As a result, the decision by PINS to gut the net-zero policy is wrong and both irrational and unreasonable in terms of public law principles.

So much is clear from the generality of planning and climate law and policy on carbon emissions reduction. However, much of uncertainty in the minds of local authorities relates to the detail of the specific standards and actions that can be taken by a development plan to achieve the wider net-zero goal. There should be no dispute that local authorities can take a wide range of actions on location, sustainable transport and renewable generation, all of which play a key role in achieving net zero. Neither should there be any dispute that standards can be set for the energy performance of non-domestic buildings. Local authorities also have special powers to make requirements in relation to renewable and low-carbon energy and building performance, as set out in the 2008 Planning and Energy Act. The area of doubt in many local authorities' minds relates to setting energy efficiency standards for homes above Building Regulations requirements.

A 2015 Written Ministerial Statement (WMS)<sup>7</sup> stated that: 'For the specific issue of energy performance,

local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill.' As explained below, the relevant amendment to the Planning and Energy Act 2008 was not subsequently commenced, and the related zero-carbon homes standard and update to Building Regulations referred to in the WMS was also subsequently abandoned.

The WMS then stated that 'Until the amendment is commenced, we would expect local planning authorities to take this statement of the Government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.' Aside from the fact that this 'expectation' is clearly tentative and non-mandatory in nature, it also expressly applies only to development management and the setting of conditions under then-existing policies. It is also now clearly redundant, given that it is predicated on the since-withdrawn zero-carbon homes framework<sup>8</sup>—and, of course, given that the new Part L regulations are now higher than Code 4.

This was then cited in the 2019 update to the national Planning Practice Guidance (PPG), 'Housing: Optional Technical Standards' section, para. 001, as creating a restriction on the extent to which local authorities can impose standards above Building Regulations generally, i.e. including in setting new plan policies. However, as just set out, that is clearly not what the WMS said. And in any event, the courts have confirmed that PPG is not policy (however mandatory its wording is),<sup>9</sup> and is therefore not part of the soundness test of consistency with national planning policy under para. 35 of the NPPF.<sup>10</sup> And given the most recent statements by government (set out below), the abandonment of the zero-carbon homes standard, the introduction of new Building Regulations at a level higher than Code 4, and PPG's mis-statement of the content of the WMS, this PPG paragraph can reasonably be given no or very limited weight by local authorities in preparing plan policy.

In terms of the NPPF, para 154(b) tells us that 'Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'

Optional national technical standards at levels above Building Regulations were introduced following the 2015 WMS. These included national technical standards relating to water efficiency, for example. However, as stated in the 2015 WMS, this framework of national technical standards would not cover energy

efficiency, with local authorities retaining the power to set local energy efficiency standards for new homes.

The same analysis applies to Section 1(5) of the Planning and Energy Act 2008,<sup>11</sup> which states that Local Plan policies on renewable and low-carbon energy generation and the energy efficiency of buildings 'must not be inconsistent with relevant national policies' (defined as national policies relating to energy from renewable sources, low-carbon energy, or furthering energy efficiency).<sup>12</sup>

Section 43 of the Deregulation Act 2015 introduced powers to disapply the power to set energy efficiency standards in England in relation to housing development, but this provision has never been commenced. And in last year's response to the Future Homes Standard consultation,<sup>13</sup> government underlined the contribution that local authorities can make to cutting carbon emissions and confirmed that it would not move to commence Section 43, pending anticipated reforms to the planning system:

*'2.40 We recognise that there is a need to provide local authorities with a renewed understanding of the role that Government expects local plans to play in creating a greener built environment; and to provide developers with the confidence that they need to invest in the skills and supply chains needed to deliver new homes from 2021 onwards. To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes.'*

*'2.41 ... Further, as we move to ever higher levels of energy efficiency standards for new homes with the 2021 Part L uplift and Future Homes Standard, it is less likely that local authorities will need to set local energy efficiency standards in order to achieve our shared net zero goal.'*

Indeed, the government's response recognises the potential need for local standards to be set to achieve the national net-zero goal, stating only that this need will be 'less likely' as national standards become more stringent.

So, the full powers of the Planning and Energy Act 2008 on renewable and low-carbon energy generation and the energy efficiency of buildings remain available to local authorities.

To be clear, the fact that the WMS is not a sound basis for decision-making cuts both ways. That is to say, it is unsafe to rely on it to set a standard requiring a 20% uplift above the latest revision to Part L. That also would be arbitrary. Any uplift figure must be justified by local evidence and the wider legal and policy requirements set out by the government.



Put simply, local authorities have the power if they can make a sound case.

So, in summary... an overall objective on net zero in planning policy is enabled by the strong Planning and Compulsory Purchase Act 2004 Section 19 duty on climate change; is required by national planning policy which engages the Climate Change Act 2008 target regime; and is supported by the requirements of the net-zero and energy security strategies. The Planning and Energy Act 2008 empowers local authorities to set standards for renewables and low-carbon energy and energy efficiency, as long as they are consistent with national policy on those specific subject areas. There is no national policy which restricts on-site renewable energy generation and no restrictions on energy efficiency standards above Building Regulations for commercial buildings. And the 2015 WMS is out of date, and relying on references to it in PPG to stop local authorities setting ambitious standards is illogical and unreasonable.

The TCPA would strongly encourage local planning authorities to push at this boundary—not least because of the large backlog of consents for new homes that have been approved since 2016 with critically substandard requirements on climate mitigation.

It would be stupid to pretend that the national policy position on energy efficiency is not unhelpfully opaque for those on the front line of plan-making. The principal responsibility for this uncertainty lies with the government, and it must be resolved in the forthcoming update to the NPPF. The failure to properly address net-zero housing development in the aftermath of 2016 has resulted in confusion, not least in the minds of the Planning Inspectorate, which risks compromising the solutions that the nation so desperately needs. In that sense PINS is, as always, caught between a rock and a hard place.

However, in the view of the TCPA the main modifications to the West Oxfordshire Area Action Plan are badly misjudged and unjustified. The plan's net-zero objective is clearly in line with government policy; supported by the Sixth Carbon Budget, which is itself enshrined in law; and entirely consistent with the climate duty in the 2004 Planning and Compulsory Purchase Act and the powerful enabling law in the Planning and Energy Act 2008. Set against this weight of policy and law, PINS will have to produce an extraordinary argument to justify the destruction of West Oxfordshire's exemplary carbon ambitions.

● **Dr Hugh Ellis** is Director of Policy at the TCPA.

*The TCPA is extremely grateful for input from Sam Hunter Jones from Client Earth and Peter Ellis and for the advice commissioned by Rights Community Action — without them this article would not have been possible.*

## Notes

- 1 *Salt Cross Garden Village. Pres-submission Draft Area Action Plan*. West Oxfordshire District Council, Aug. 2020. [www.westoxon.gov.uk/media/jsccjctcl/salt-cross-aap-pre-submission-august-2020.pdf](http://www.westoxon.gov.uk/media/jsccjctcl/salt-cross-aap-pre-submission-august-2020.pdf)
- 2 *Examination of Salt Cross Garden Village Area Action Plan (AAP): Note Outlining Main Modifications Required*. Planning Inspectorate, May 2022. Available at [www.westoxon.gov.uk/media/o4xhtfm0/insp-18-main-modifications-required.pdf](http://www.westoxon.gov.uk/media/o4xhtfm0/insp-18-main-modifications-required.pdf)
- 3 The inspectors' letter is available at [www.westoxon.gov.uk/media/5i3bqltb/insp-17-letter-to-council-re-main-modifications.pdf](http://www.westoxon.gov.uk/media/5i3bqltb/insp-17-letter-to-council-re-main-modifications.pdf)
- 4 *Net Zero Strategy: Build Back Greener*. HM Government, Oct. 2021. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033990/net-zero-strategy-beis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf)  
The strategy commits to reviewing the NPPF to deliver on the 2050 target and interim carbon budgets
- 5 Viability testing will be an important aspect of introducing such provisions in plan policy. Where viability testing does take place, requirements for renewable energy and energy efficiency measures have financial costs and benefits, both of which should be recorded in any appraisal
- 6 This view has also been confirmed recently by central government in the context of a pending Local Plan examination — see para. 1.5 of *Note on the Setting of Local Energy Efficiency Standards for New Build Development, Local Plan Partial Update Examination*. Bath and North East Somerset Council. <https://beta.bathnes.gov.uk/sites/default/files/EXAM%2010%20Note%20on%20Local%20Energy%20Efficiency%20Targets%20FINAL.pdf>
- 7 Statement UIN HCWS448, by the Secretary of State for Communities and Local Government, 25 Mar. 2015, available at <https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488>
- 8 P Oldfield: 'UK scraps zero carbon homes plan'. *The Guardian*, 10 Jul. 2015. [www.theguardian.com/environment/2015/jul/10/uk-scraps-zero-carbon-home-target](http://www.theguardian.com/environment/2015/jul/10/uk-scraps-zero-carbon-home-target)
- 9 *R (Solo Retail) v Torridge DC* [2019] EWHC 489 (Admin)
- 10 Written Ministerial Statements and Planning Practice Guidance are material considerations in plan preparation and planning decision-making, but the level of weight placed on them will reflect (among other things) the extent to which they are up to date
- 11 Planning and Energy Act 2008. [www.legislation.gov.uk/ukpga/2008/21/section/1](http://www.legislation.gov.uk/ukpga/2008/21/section/1)
- 12 And in terms of the percentage of renewable energy required from on-site generation, there is no possible argument that national policy limits local authorities' power to impose standards, subject to the usual soundness tests
- 13 *The Future Homes Standard: 2019 Consultation on Changes to Part L (Conservation of Fuel and Power) and Part F (Ventilation) of the Building Regulations for New Dwellings. Summary of Responses Received and Government Response*. Ministry of Housing, Communities and Local Government, Jan. 2021. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/956094/Government\\_response\\_to\\_Future\\_Homes\\_Standard\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956094/Government_response_to_Future_Homes_Standard_consultation.pdf)

# intentionally intergenerational



At Levitt Bernstein we think about housing a lot: what works and why, what needs to change now, and what we might want in the future. For housing architects, every scheme is an opportunity to make a positive change, and there is a huge responsibility to get it right, especially now, because we know that the homes we build today must have longevity to address the climate emergency.

Trends emerge in housing typologies, and current concerns about the ongoing implications of Covid and an ageing population are sparking conversations about the potential benefits of intergenerational living. But what exactly is it, and is it something that people really want? And can such communities be ‘designed’?

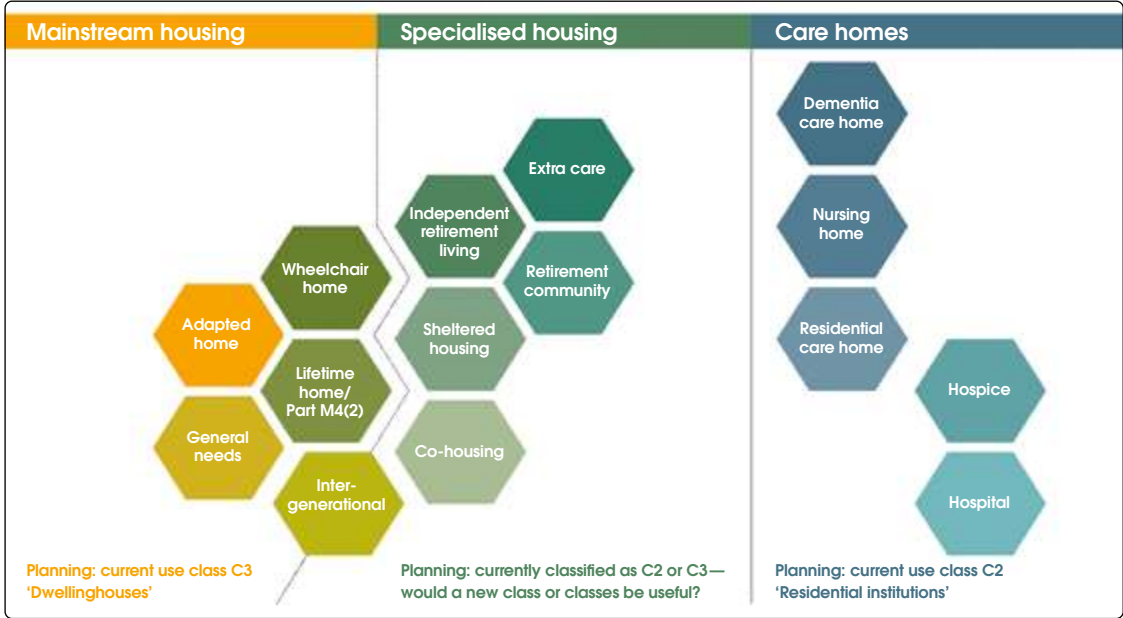
First, most communities are already ‘unintentionally’ intergenerational. I think of where I live, in a terrace

of eight houses—we have babies, teenagers, ‘boomerangers’, and pensioners. I think we cover every decade of life. Of these homes, built identically 100 years ago, no two are now the same; in fact some have been radically transformed.

Being able to adapt your home is a luxury that is not possible for many, and although the Victorian and inter-war urban terraces are enduringly popular, shoehorning in this flexibility is often not particularly practical or pretty. This highlights the need for a variety of housing to support the type of mixed community that is proven to benefit us all.

So, what if these houses weren’t all built the same? Suppose new developments had homes to suit everyone from the outset? This sows the seed for ‘intentionally intergenerational’ communities. Typically, the challenge is how to integrate housing suitable for older people into mainstream housing. There are many models, which involve differing levels of care and shared facilities (see the diagram below).

There are several practical reasons why we should be considering ‘intentionally intergenerational’ housing and communities. First, the UK has a housing



Models of housing for older people—showing the increasing levels of care required and planning use classes



Pollard Thomas Edwards

**New Ground Cohousing, in Barnet—a group of women aged over 50 have created their own community in a new, purpose-built block of flats. As an alternative to living alone, they have friendly, helpful neighbours**

crisis. There are not enough homes, particularly affordable ones, meaning that many families are living in overcrowded accommodation and bedsits. Hypothetically, this crisis would be immediately solved if we all lived in the ‘right-sized’ home—and older people are often under-occupiers.

We also have an ageing population. By 2030, 15 million people will be 65 or over, with 3 million over 85. While healthcare, good education and general wealth mean that people are living independently for longer, dementia and other age-related conditions are increasing (850,000 now, expected to rise to 1.7 million by 2051). Dementia already costs the NHS £26.3 billion each year, which is more than the current costs of treatment for cancer and heart disease combined. These figures are staggering but not surprising, and people are starting to understand that standard housing may not suit them for life.

On a more positive note, older people (i.e. people aged 55+) have a lot to offer. Our older neighbours spend time with our children, give us gardening tips, and teach us about the local area. With their free time they can give more to our community than we can. And let’s not forget the value of the ‘silver pound’ to the cafés and shops on our struggling local high streets.

Let’s consider what older people need. It starts with the right amount of space. You accumulate stuff over your lifetime; you want storage; you have hobbies and equipment; and you might like your family to stay. You may need an accessible bathroom and shower. Flexibility is useful if your needs change.

What else might be attractive? Easy access for visitors and carers, communal areas for exercise and dinner parties, and access to a communal garden with appropriate furniture and planting. Lots of things that you can choose to get involved with but carry no burden to maintain. Space to store bikes and mobility scooters and proximity to shops, cafés and transport links are also vital to maintain an active lifestyle.

**‘We have identified the need and the market; we just need to broaden the way that we think—to design solutions that are attractive and feasible’**

We have identified the need and the market; we just need to broaden the way that we think—to design solutions that are attractive and feasible.

On a practical level, statutory minimums and the Nationally Described Space Standard (NDSS)<sup>1</sup> give us a good baseline and mean that the integration of more generous homes should not skew viability assessments too negatively. In London (where Building Regulations Approved Document M (Category 2: Accessible and Adaptable Dwellings)<sup>2</sup> is the minimum for all new schemes), 10% of homes are required to be wheelchair accessible.



Levitt Bernstein / Steve Bainbridge



**Redbrick Estate, in Islington—estate regeneration with infill development, in which some homes were designed as ‘large one-bedroom flats’ to attract downsizers from within the estate**

PRP / Richard Chivers Photography



**Multi-generational home at Olympic Park, East London—the multi-generational home is a new housing typology that is a connected flexible home for extended families who want to live together, while retaining a degree of mutual independence**

The Greater London Authority is now asking developers to consider going beyond the NDSS minimums and is requiring extra storage and space to work/study from home—all useful things to

ensure that we deliver the flexible homes that we need for the future.  
The introduction of the ‘bedroom tax’ as part of the Welfare Reform Act 2012 was intended to





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**Melfield Gardens, in Lewisham—an intergenerational development for older people and students where students are charged lower rent in return for being good neighbours and committing a number of hours per week to helping their older neighbours**

encourage people to downsize in the social rent market; but without the suitable, local homes for older people to move into, many people who are already on low incomes decided to tighten their belts and pay the extra rent, rather than leave the community that they rely on.

Also, the planning system could be more helpful in simplifying things by sorting out the confusion around use classes (C2 or C3) for older people's housing and the implications for the provision of affordable housing. The integration could also be actively encouraged in Local Plans, viewing it as a benefit rather than a burden on a community. This would have the effect of encouraging developers to consider integration from early on.

But fundamentally the success of integrated communities will come down to good, thoughtful design. To avoid the isolation and loneliness that is sadly associated with old age, homes for older people need to be well placed in new developments so that residents are integrated but not overwhelmed. Creating clusters of mixed communities—much like my street—will benefit all residents. This is particularly relevant in affordable homes and high-density schemes where extensions and alterations are not possible.

Let's get creative. We know that there is no one-size-fits-all option—my street proves that. We live and work in very different communities across the UK. In some areas multi-generational living is common, and in these locations we should provide larger homes with varying degrees of autonomy. In others there may be large student populations, or a greater number of renters—how can we unlock the benefits of mixed communities here?

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## Notes

- 1 *Technical Housing Standards—Nationally Described Space Standard*. Statutory Guidance. Ministry of Housing, Communities and Local Government, Mar. 2015. [www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard](http://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard)
- 2 *Approved Document M: Access to and Use of Buildings*. Building Regulations 2010. HM Government, 2015. [www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m](http://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m)

# feel the LURB



Well, a week really is a long time in politics. When I started work on this edition of this column I intended to write about the publication of the long-awaited Levelling-up and Regeneration Bill (LURB)<sup>1</sup> and its implications for participation in planning. In what now feels like ancient history, Michael Gove was then Levelling Up, Housing and Communities Secretary and the Johnson administration was intending to implement the planning and regeneration agenda set out in the Bill in the run-up to a general election two years later. Now Gove is sacked, Greg Clarke, who steered the Localism Bill through Parliament in 2011, is Secretary of State (but for how many days is anyone's guess) and the progress of the Bill is uncertain to the point that some commentators have been talking about 'paralysis'.<sup>2</sup>

Of course, all this could well have changed again by the time this piece is read, and will almost certainly change again by the autumn, when a new administration will be in place. However, on the assumption that at least some of what is in the Bill will become law and that what it includes (or excludes) gives important indicators about the direction of travel and potential areas of conflict, it is still worth exploring. So, what follows will outline the major elements of the Bill that have implications for participation in planning, and will discuss how they have been received and their possible impacts, before hesitantly (some would say foolishly) speculating on what might happen next.

So, a quick recap. The Levelling-up and Regeneration Bill was given its first reading on 11 May 2022, and the Committee Stage started on 21 June. It is huge and complex, covering as it does the two major areas of planning and regeneration, yet it is surprisingly low on detail, with much to be clarified through secondary legislation. Since its publication, not only has the acronym spawned a lot of easy jokes (witness the title of this article) but the Bill's sprawling contents have drawn substantial commentary.

Much of this has focused on the apparent, and welcome, rowing back on the Planning White Paper's proposals to transform the planning system through introducing zoning in the face of Tory backbench opposition (see the September/October 2020 edition of this column for comments on the White Paper<sup>3</sup>). Here, though, I focus on the implications for participation and planning democracy.

### Fundamental contradictions

Let's start with two contrasting quotes:

*'The Levelling-up and Regeneration Bill will put power back in the hands of communities and local leaders [...] local people will be in charge of planning, not big developers or national diktats and communities will have greater say in local plans...'*

Department for Levelling Up, Housing and Communities spokesperson<sup>4</sup>

*'... the Bill radically centralises planning decision-making and substantially erodes public participation in the planning system.'*

Letter from the Chair of the House of Commons Levelling Up, Housing and Communities Committee to the Secretary of State<sup>5</sup>

I would argue that these quotes are more than the usual difference of opinion that accompanies any legislation promising 'power to the people'; rather, they can be seen as a way into revealing the fundamental contradictions that lie at the heart of the Bill.

Despite the fanfare, there is actually very little directly about participation in the Bill. There is no specific section on participation and very few specific initiatives. Perhaps this is why one of the few concrete proposals—for 'street votes'—has drawn so much attention. I return to these later.

One of the other direct proposals relates to neighbourhood planning. Importantly, the Bill confirms continuing support for Neighbourhood Development Plans (NDPs), although this was probably never in doubt. But it does clarify—or potentially narrow, depending on what view you take—the topics that can and cannot be included, with design getting a specific mention about what can be included.

Clifford Harper



### The indirect implications of the Bill for participation and planning democracy give cause for concern

Furthermore, NDPs must ‘not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made’ (Clause 89)—underlining the fact that, from the government’s perspective, NDPs are about promoting growth. In addition to the continuing requirement for NDPs to be in conformity with national and local policy, including presumably the new ‘national development management policies’ (see below), the spaces for local influence could well be further eroded, continuing the direction of travel of NDPs towards local design codes and allocating housing sites. The contradictions are becoming clearer.

There is, though, a recognition of the patchiness of NDPs and the fact that many places, particularly urban and lower-income areas, have not taken up the offer of preparing an NDP as much as others. One of the few new provisions are for ‘neighbourhood priorities statements’, which will be simpler than an NDP and are intended to encourage wider take-up.

As with NDPs, they will be produced by parish councils or neighbourhood forums, and the relevant local authority will be obliged to ‘take [them] into account when preparing its local plan’,<sup>6</sup> but they will not be statutory. The key is there in the phrasing, ‘obliged to take into account’—take into account does not mean accept, and whether this will be enough of a carrot remains open to question. With so little information about the resources or details

available, this is hard to second-guess. However, if resources are available, there could be some grounds for optimism that communities and local planning authorities could co-produce such statements as part of Local Plan preparation, depending of course on there being sufficient time within the new arrangements.

Furthermore, the LURB includes a major section on changes to the Community Infrastructure Levy (CIL) and Section 106 agreements in which I have not yet been able to find any clear reference to what will happen to the 25% of CIL that currently goes to NDP areas, or whether this funding allotment will also apply to neighbourhood priority statements. The devil is in the detail, as ever.

The proposal that has been the headline-stealer is the new ‘street vote’ powers included in the Bill; but again there are precious few details. The idea comes out of lobbying work from Create Streets and Policy Exchange, and, confusingly, a separate Private Member’s Bill progressing ‘street votes’ had its second reading on 4 May. Michael Gove reportedly referred to it as ‘cracking’<sup>7</sup> after its first reading in November last year, and was obviously so impressed that he included it in his own legislation.

Picked up by the press as setting up situations in which residents could vote on their neighbours’ loft extensions, it is actually intended to ‘provide a positive incentive for neighbours to consider the potential for development, especially in areas of higher demand, and support a gentle increase in densities through well-considered, well-designed

and locally supported proposals<sup>8</sup>—i.e. it is about getting more housing built. The idea is that if residents can control the process, groups (of around 10 neighbours) would come together to prepare plans to intensify/develop their plots which would then be voted on by all residents on the street, to decide if they should be given planning permission. So we are back to the idea that powers are being given—but only to do certain things that the government approves of.

The idea that people will accept development if it is of good design and is what they want is a good one, and to a large extent underpinned the idea of NDPs in the first place. But it is unclear whether ‘street votes’ are the best way to achieve this or give people the powers to really get what they want. They are also somehow expected to help solve the housing crisis, but, as critics have pointed out, it will likely result in a few individual houses becoming larger and therefore more expensive, rather than providing more affordable housing. And the extension of permitted development rights (PDR) means that in many areas planning permission for this type of intensification is not needed anyway, although the design of PDR development is likely to be poorer.

### **‘Although these proposals include some possibilities for participation, they continue the contradictions of offering openings which are heavily steered towards particular outcomes and heavily compromised by increased central control’**

Finally, what will happen outside the 10-dwelling bubble? If community land trusts or other groups are involved and the plans can also include open and green space, maybe possibilities will open up for innovative interventions, but again this remains unclear.

In other parts of the Bill other positive, if not totally new, proposals confirm the push towards digitisation set out in the White Paper (which has already been progressed through pilots) as a way of increasing participation. The emphasis on information-sharing and opening up data—for example on land

ownership—has also made it into the Bill. And finally, opening up design and design codes to greater community influence also features heavily. But while good design is important, planning is about more than this, and people want influence over *what* is developed, not just what it looks like. So, there is little new in terms of direct proposals, which undermines the claims for greater empowerment put forward by the proponents of the Bill. Although these proposals include some possibilities for participation, they continue the contradictions of offering openings which are heavily steered towards particular outcomes and heavily compromised by increased central control.

### **Indirect implications**

However, it is the *indirect* implications of other sections in the Bill for participation and planning democracy that we need to be concerned with, as already expertly flagged by Hugh Ellis in his blog on the TCPA website as a ‘decisive shift of power to Whitehall’.<sup>9</sup> Chief among them are changes to the plan-making system (see Town Legal’s excellent summary<sup>10</sup>). Although zoning may be on the back-burner and a plan-led system remains in place for now, there are still significant changes being put forward which in effect result in a Local Plan *and* a national policy-led system, centralising rather than decentralising power, as Hugh Ellis points out.

The LURB sets out the intention that ‘national development management policies’ (NMDPs) will form large sections of all Local Plans (and therefore will also steer NDPs). They are intended to speed up plan-making and cut down on the repetition of ‘standard’ policies across plans.<sup>11</sup> However, they will not be locally determined or scrutinised at public inquiry, and there are no procedures for participation as they will only require ‘such consultation with, and participation by, the public or any bodies or persons (if any) as the Secretary of State thinks appropriate’ (Clause 84). This means that a significant proportion of the policies *influencing* planning decisions will be fixed centrally, with little or no consultation. On top of this, the LURB enables local planning authorities to ‘amend their own development management policies without the need for public examination’.<sup>12</sup>

To compound this there will be two new documents alongside the Local Plan, each with limited provision for participation: joint Spatial Development Strategies (where there is agreement between local authorities to draw them up), and Supplementary Plans (replacing Supplementary Planning Guidance). For the former, ‘no person is to have a right to be heard at an examination in public’



(Schedule 7, Clause 15AC(6)); for the latter, it is at the discretion of the examiner whether the examination is to be held in public or by written representations only. Tony Burton points to the contradictions in these arrangements in his evidence to the Committee Stage of the Bill:

*'You cannot, on the one hand, have a Bill that has written through it political rhetoric about communities having more insight and influence, being less done to, and strengthening the role in local planning, but on the other hand have critical documents prepared by other parts of the system being drawn up without the benefit of the insight that those communities that will be involved in other ways can bring.'*<sup>13</sup>

Hugh Ellis similarly takes issue with the removal of the right to appear at inquiries, which is, as he points out, one of the few statutory civil rights in planning:

*'we are concerned that this important civil right is being denied [...] communities [...] may have new and exciting opportunities to be digitally informed about these new documents, but they will have no meaningful way of testing the quality or content because they have no right of access to the key decision making forum of the examination.'*<sup>9</sup>

The Bill also sets up new mechanisms and powers for the Secretary of State to approve developments and intervene in decisions with no right for public consultation. There will be no limit to what can be centrally determined by the Secretary of State on national development management policy, and no parliamentary scrutiny. This gives one person an extraordinary amount of control over the planning system. On top of this, Landmark Chambers have found over 100 instances of further secondary legislation to set out details from the Bill over which there will be little or no scrutiny, and presumably over which the Secretary of State will have significant influence.<sup>14</sup> Not only is this centralisation to Whitehall, but it is centralisation to one desk in Whitehall. This hardly seems to be power to the people.

So what about all that flurry of lobbying around localism and double-devolution that I wrote about in one of my previous columns.<sup>15</sup> Did this have any impact? I have to admit that the size and complexity of the Bill has defeated my efforts to closely scrutinise it, but I can find no clear evidence that it worked. The sections on governance in the regeneration parts of the Bill are all about combined authorities and the extension of the Mayoral Development Corporation concept.

These are both the sort of meso-level partnership agencies that have been shown in the past to be less democratically accountable and less transparent than local government. They also rarely, if ever, have seats on them for community representatives; and while they may be attractive in that they will open up spending pots for infrastructure and other initiatives, this money usually comes with strings attached from central government in the form of a 'deal'. I would not have thought that this is the double-devolution that the centre-right think-tank Onward and others were referring to.

### Missed opportunities

Is localism then dead? If localism was always a decentralisation cloak to hide increased central control, then no. If it is about genuinely devolving power, then yes. This proliferation of agencies, on top of the new ideas on 'street votes', NDPs and neighbourhood priorities statements, means that there is a patchiness and a lack of universally consistent opportunities for participation for citizens, depending on where they live.

What might happen next is obviously anyone's guess. As I was writing this article, the election of a new Tory leader was ongoing, but planning had not figured strongly as an issue to date. One candidate, Tom Tugendhat, writing in the *Telegraph* prior to his bid and just after the LURB was published, commented that 'Street votes will unlock housing where it is needed most'.<sup>16</sup> But as we have seen, the Bill as it stands gives exceptional powers to the Secretary of State. Therefore who becomes Secretary of State will be significant.

Perhaps Greg Clark, having steered the Localism Bill through Parliament in 2011, will cling on and try to champion more decentralisation? However, one of his first acts was, reportedly, to try to build bridges with the housebuilders, whom Gove sidelined as having too much power,<sup>17</sup> suggesting that he is still walking the tightrope of believing growth and empowerment to be mutually compatible. Or perhaps a more hard-line Secretary of State will be appointed who wants to move away from net zero, further deregulate planning, and use those myriad pieces of secondary legislation to replace vagueness with a more centralised and growth-centred planning regime? Maybe 'levelling up' will be so tainted by its association with Boris Johnson that it will be watered down or rebranded? The only thing we can be sure of is that this is potentially a very dangerous moment.

As said before in this column and by many others, the Planning White Paper and now the LURB are missed opportunities for a more community-led,

socially equitable and locally democratic planning policy that really addresses key issues which affect many communities, including the climate emergency. The Bill is also silent on what the central purposes of planning, as set out in the NPPF, should be and therefore on what participation in planning is for. The hiatus caused by Tory shenanigans should therefore be an opportunity for opposition parties and others to put forward recommendations that would set out a clear alternative.

At the very least, we should avoid feeling a LURB that is falsely promising a greater say in planning while enacting mechanisms to centralise power, reduce planning democracy, and steer planning away from its social and environmental objectives.

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### Notes

- 1 Levelling-up and Regeneration Bill. House of Commons, May 2022. <https://bills.parliament.uk/bills/3155>
- 2 Paul Smith, Managing Director of Strategic Land Group, quoted in J Hatmaker and D Whelan: 'Industry reacts as Govt chaos leaves levelling up agenda rudderless'. *North West Place*, 7 Jul. 2022. [www.placenorthwest.co.uk/govt-chaos-leaves-levelling-up-agenda-rudderless/](http://www.placenorthwest.co.uk/govt-chaos-leaves-levelling-up-agenda-rudderless/)
- 3 S Brownill: 'True' participation, or restricting democracy?. *Town & Country Planning*, 2020, Vol. 89, Sept/Oct., 288–91
- 4 Quoted in M Kenyon: 'Bill does not address 'fundamental challenges' in planning system, MPs hear'. *Local Government Chronicle*, 21 Jun. 2022. [www.lgcplus.com/services/regeneration-and-planning/bill-does-not-address-fundamental-challenges-in-planning-system-mps-hear-21-06-2022/](http://www.lgcplus.com/services/regeneration-and-planning/bill-does-not-address-fundamental-challenges-in-planning-system-mps-hear-21-06-2022/)
- 5 *Levelling-Up and Regeneration Bill* (Letter from Clive Betts, Chair of the House of Commons Levelling Up, Housing and Communities Committee to Michael Gove, Secretary of State for Levelling Up, Housing and Communities, 21 Jun. 2022. <https://committees.parliament.uk/committee/17/levelling-up-housing-and-communities-committee/news/171583/committee-writes-to-michael-gove-secretary-of-state-on-planning-reform-concerns/>), quoting P Brown and A Shattock: *Briefing Note on the Provisions in the Levelling Up and Regeneration Bill Concerning Public Participation in the Planning System*. Landmark Chambers, 2022. <https://bills.parliament.uk/publications/46953/documents/2011>
- 6 *Levelling Up and Regeneration: Further Information*. Policy Paper. Department for Levelling Up, Housing and Communities, May 2022. [www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#next-steps](http://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#next-steps)
- 7 E Jessel: 'Gove backs 'cracking' plans for street votes on suburban development'. *Architects' Journal*, 1 Dec. 2021. [www.architectsjournal.co.uk/news/gove-backs-cracking-plans-for-street-votes-on-suburban-development](http://www.architectsjournal.co.uk/news/gove-backs-cracking-plans-for-street-votes-on-suburban-development)
- 8 *Levelling-up and Regeneration Bill: Explanatory Notes*. House of Commons, May 2022. <https://publications.parliament.uk/pa/bills/cbill/58-03/0006/en/220006en.pdf>
- 9 H Ellis: 'The Levelling Up and Regeneration Bill: a decisive shift of power to Whitehall'. Blog Entry. TCPA, 12 May 2022. <https://tcpa.org.uk/the-levelling-up-and-regeneration-bill-a-decisive-shift-of-power-to-whitehall/>
- 10 *Levelling-up and Regeneration Bill and Policy Paper: Summary*. Town Legal, May 2022. [www.townlegal.com/wp-content/uploads/Levelling-up-and-regeneration-bill-and-policy-paper-Summary-by-Town-Legal.pdf](http://www.townlegal.com/wp-content/uploads/Levelling-up-and-regeneration-bill-and-policy-paper-Summary-by-Town-Legal.pdf)
- 11 For further discussion on NMDPs, see H Ellis: 'The Levelling Up and Regeneration Bill: a decisive shift of power to Whitehall'. Blog Entry. TCPA, 12 May 2022. <https://tcpa.org.uk/the-levelling-up-and-regeneration-bill-a-decisive-shift-of-power-to-whitehall/>; and Hugh Ellis' article in this issue—H Ellis: 'The Levelling-up and Regeneration Bill—fiddling while England burns?'. *Town & Country Planning*, 2002, Vol. 91, Jul.–Aug., 246–49
- 12 *Levelling-Up and Regeneration Bill* (Letter from Clive Betts, Chair of the House of Commons Levelling Up, Housing and Communities Committee) (see note 5)
- 13 Evidence by T Burton (Neighbourhood Planners London) to the House of Commons Public Bill Committee on the Levelling-up and Regeneration Bill, 23 Jun. 2022. *Hansard*. [https://hansard.parliament.uk/Commons/2022-06-23/debates/134fb104-8f54-4583-a006-1b602ca2fad5/Levelling-UpAndRegenerationBill\(ThirdSitting\)](https://hansard.parliament.uk/Commons/2022-06-23/debates/134fb104-8f54-4583-a006-1b602ca2fad5/Levelling-UpAndRegenerationBill(ThirdSitting))
- 14 P Brown and A Shattock: *Briefing Note on the Provisions in the Levelling Up and Regeneration Bill Concerning Public Participation in the Planning System*. Landmark Chambers, 2022, para. 14. <https://bills.parliament.uk/publications/46953/documents/2011>
- 15 S Brownill: 'Localism is dead — long live localism'. *Town & Country Planning*, 2021, Vol. 90, Nov/Dec., 364–67
- 16 T Tugendhat: 'Street votes will unlock housing need where it is needed most'. *The Telegraph*, 12 May 2022. [www.telegraph.co.uk/news/2022/05/12/street-votes-will-unlock-housing-needed/](http://www.telegraph.co.uk/news/2022/05/12/street-votes-will-unlock-housing-needed/)
- 17 J Gardiner: 'New housing secretary acts to re-set relationship with housebuilders'. *Housing Today*, 11 Jul. 2022. [www.housingtoday.co.uk/news/new-housing-secretary-acts-to-re-set-relationship-with-housebuilders/5118341.article](http://www.housingtoday.co.uk/news/new-housing-secretary-acts-to-re-set-relationship-with-housebuilders/5118341.article)

# wanted—a proactive, positive approach to strategic planning



The government has now moved to the next stages of planning reform following the very long hiatus since the Planning White Paper was published in August 2020.<sup>1</sup> Proposed reforms are now not self-standing but are to be viewed through the prism of the government's wider levelling-up agenda. Some changes will be taken forward through the Levelling-up and Regeneration Bill (or the LURB, as it has become affectionately known) which is making its way through the legislative process.<sup>2</sup> However, most will be progressed through changes to national policy and its supporting guidance.

Although we know more of what the now former Secretary of State Michael Gove's intentions are/were, there is still a lot of detail to be worked through, and we are unlikely to see the new system fully operational much before 2024, and even then we will still need a 'bedding down' period.

So what do we know? The ambition remains for a faster, more transparent and simpler system, and the government's crusade to move planning into the 21st century with the help of digital transformation remains a key plank of how this is expected to happen. We also know that there is still a very strong 'beauty' theme running through the proposals, with the role of design coding being expanded to cover whole plans.

Unlike the reforms proposed in 2020, however, the government has pulled back significantly from anything that appears to be seen as centralisation of the system, with a strong emphasis on Local Plans reflecting much more what local communities want. This is particularly relevant in relation to the housing numbers set out in Local Plans.

When giving evidence to the House of Commons Housing, Communities and Local Government

Committee last November,<sup>3</sup> the then Secretary of State, Michael Gove, made it clear that, while the government's current target of delivering 300,000 new homes a year is still important, he also wants to 'take account of beauty, the environment, quality, decency, local democratic control and infrastructure'. He added that 'Some of the assumptions [behind the housing targets methodology] are probably out of date [and] some of the ways in which those numbers are deployed by the planning inspector can be more sophisticated'.

More recently, at the Committee Stage of the LURB, Michael Gove said that the government will be 'taking steps to ensure that the Planning Inspectorate, when it is reviewing a local plan and deciding whether it is sound, does not impose on local communities an obligation to meet figures on housing need that cannot be met given the environmental and other constraints in particular communities'.<sup>4</sup>

The change in attitude towards government-set housing targets and how they are applied (by local authorities) and tested (by planning inspectors) has been driven by the response that the government has had over the last few years from local authorities about the 'mutant algorithm' underpinning the housing target formula. This has seen housing targets increase significantly in many parts of the country, but especially in the South East and West Midlands—and was specifically highlighted in the Chesham and Amersham by-election in June 2021, in which planning was considered to be a core factor in the result.

Although we do not yet know how Local Plan housing targets will be set in future, Michael Gove gave a strong indication that the approach to assessing local housing need will be changed to reflect the levelling-up priorities, which is very likely to favour councils in the South East, where there is also currently a charm offensive to win back Conservative support locally. This was also confirmed during the Second Reading of the Bill, when the Secretary of State said in response to a question on the standard methodology:

*'...the thinker who coined the phrase 'mutant algorithm' is my Hon. Friend the Member for*



**There is a big question mark over whether the replacement for the 'duty to co-operate' will deliver good spatial planning outcomes**

*Harborough (Neil O'Brien), who is now an Under-Secretary in the Department and working with me and the Minister for Housing to address precisely the concerns that he outlined. We need to build more homes, but we also need to ensure that how we calculate need and how plans are adopted is much more sensible and sensitive.'*<sup>4</sup>

Putting aside the question of whether the proposed new 'national development management policies' (NDMPs) can fit into this new vision of a more locally led democratic planning system,<sup>5</sup> the return to a plan-led system has to be welcomed by all who interact with planning—and, for the most part, this definitely ticks the box of a simpler and more transparent system.

But for a plan-led system to work there needs to be plans in place, and one of the critical questions is whether the reforms as proposed will help to solve some of the problems of planning for housing, particularly around the main cities, where debates over the Green Belt have resulted in stalemate for many Local Plans—with, for example, the Castle Point plan even being withdrawn by the local planning authority after it has been found sound at examination.<sup>6</sup>

The solution to this has always been a more effective approach to strategic planning, and it thus comes as a great relief that the government's latest proposals for reform confirm the revocation of the 'duty to co-operate' requirement—one of the surviving proposals of the 2020 White Paper. There will be no love lost on the duty's death, but there is a big question about whether its replacement will do a better job at delivering good spatial planning outcomes and providing a way to tackle some of the most technically and politically challenging issues.

The government is proposing a number of mechanisms to support local planning and ensure that many of the problems that are addressed at the examination stage are identified and solved before the plan is submitted. These mechanisms include:

- The introduction of a series of **'gateway checks'** during production of a Local Plan, which will be mandatory for all local planning authorities and are intended to 'help to spot and correct any problems at an early stage'.<sup>7</sup> Under the current LURB proposals, councils will be expected to seek observations or advice in relation to a proposed Local Plan from a person appointed by the Secretary of State (probably a planning inspector), publish this advice, and 'have regard to it'.<sup>8</sup>
- The introduction of **Local Plan Commissioners**, who would be deployed 'to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties'.<sup>7</sup> Although there is still little detail about the role of the Commissioners and, vitally, the extent of powers to be given to them outside of the Secretary of State's powers of intervention,<sup>9</sup> it is likely that they will be used only in extreme cases when red flags are identified in a plan, probably via the 'gateway' checks.
- A policy **'alignment test'**<sup>7</sup> to replace the duty to co-operate,<sup>10</sup> which is intended to be more flexible and will be policy based—with policy set out in the National Planning Policy Framework (NPPF)—as opposed to a legal test. This is aimed at preventing Local Plans from failing the legal test at the end of the plan-making process, leaving local planning authorities having to go back to the start of the process. Instead, a planning inspector would be able to make changes to the plan to address the weaknesses identified. As with other proposals, there is little detail on what this means in practice, but it is likely to be informed by the 'gateway checks', although it is not clear what sanctions will be deployed if problems in the way that strategic matters are being addressed are identified during the plan-making stage.

In addition to these proposed mechanisms to improve plan-making, a new form of strategic plan—a **joint Spatial Development Strategy** (SDS)—will be introduced to help local planning



authorities plan across strategic areas.<sup>11</sup> These are to be high-level spatial frameworks prepared by a minimum of two local planning authorities (but with no upper limit), based on the model currently within the gift of combined authorities. They would set a strategic policy framework (scope set nationally) for an area but would not be allowed to allocate sites. Local Plans would have to be in 'general conformity' with the SDS as the latter would also be part of the statutory development plan.<sup>12</sup>

As with the 'duty to co-operate', the government appears to have listened to those authorities that have attempted to fill the strategic planning void with joint strategic plans (JSPs) but have struggled with fitting long-term, high-level investment frameworks into a system that has a short-term focus and a clear emphasis on details and proof of deliverability. We all know that you cannot fit a square peg into a round hole and the government's proposals to replace current practice of JSPs with new SDSs therefore has to be good news.

So, what will define success, and will the proposed reforms in plan-making, and specifically strategic planning, deliver for the government? On paper this all looks credible and a positive step forward. In practice, however, it could well result in a weaker approach to plan-making—and here is why.

Strategic planning is not a 'big Local Plan' but provides a long-term, 'vision-led' spatial framework setting out key investments (particularly around strategic infrastructure) and strategically important areas, including new communities. Critically, it provides a bigger spatial canvas on which to address matters that impact on more than one local authority area, providing more choice, and it is increasingly about managing growth in relation to the impact of development on the environment and natural resources. Over the last ten years, the absence of an effective strategic planning mechanism has caused major challenges in areas that are struggling to absorb significant numbers of new homes but where environmental capital is high, most recently in relation to water quality (see the Planning Advice Service's nutrient catchment areas map above, for example). This is often resulting in development being directed to the least-worst areas, as opposed to the most sustainable locations.

Although it is not clear how the new policy alignment test will work in practice, there is a danger that addressing key strategic matters will still be left until the examination stage, with the planning inspector allowed to make modifications to the plan to ensure that it is sound. But will the planning inspector have any powers to influence neighbouring plans at the examination in order to



**The Planning Advice Service's map of nutrient catchment areas**

Source: Planning Advice Service—[www.local.gov.uk/pas/topics/environment/nutrient-neutrality-nn-and-planning-system](http://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-nn-and-planning-system)

address strategic matters which, by their very nature, impact on more than one local authority area? Vitally, could this result in a first-past-the-post system, with the last Local Plan in the strategic planning area having to mop up what has not been met through the first Local Plans?

The new alignment test is likely to have more chance of success where areas choose to prepare a joint SDS. But, while SDSs will be statutory frameworks, they rely on the voluntary co-operation of the local authority partners and their willingness to address some technically and politically challenging issues. A new bespoke system will inevitably help to overcome some of the problems with JSPs, but we know from this experience that uptake is likely to be very limited, given concerns about loss of sovereignty and the fact that there is nothing to stop partners from walking away when the going gets tough, as they will still require unanimous support from all the authorities involved.<sup>13</sup>

The incentives to go down this route will therefore have to be significant. Even if there are sufficient drivers to get the ball rolling and bring partners together, the challenges around strategic planning capacity and skills should not be underestimated, especially when Local Plan preparation will always be prioritised by the individual partners. This will therefore provide another very high hurdle to cross.

But here is the real sting in the tail: local authorities will not have the option of preparing a joint SDS in

**Table 1**  
Combined authority strategic planning powers

Metro mayor/Combined authorities	(Strategic) spatial planning powers
Cambridgeshire & Peterborough MCA	The MCA has powers to prepare a <i>non-statutory spatial framework</i> but it is no longer being prepared (see <a href="http://www.gov.uk/government/publications/cambridgeshire-and-peterborough-devolution-deal">www.gov.uk/government/publications/cambridgeshire-and-peterborough-devolution-deal</a> )
Greater London Mayor	The London Mayor has powers to prepare a <i>statutory spatial development framework</i> (the London Plan) (see <a href="http://www.london.gov.uk/what-we-do/planning/london-plan">www.london.gov.uk/what-we-do/planning/london-plan</a> ). Clause 85 of the LURB proposes changes to the Mayor's Spatial Development Framework to bring it into line with other combined authority SDSs
Greater Manchester MCA	The MCA has powers to prepare a <i>statutory spatial framework</i> but the MCA has prepared a joint Local Plan instead in order to amend Green Belt boundaries and allocate sites (see <a href="http://www.greatermanchester-ca.gov.uk/">www.greatermanchester-ca.gov.uk/</a> )
Liverpool City Region MCA	The MCA has powers to prepare a <i>statutory spatial development strategy</i> , which is currently being prepared (see <a href="https://tinyurl.com/3eupjm8z">https://tinyurl.com/3eupjm8z</a> )
North East CA (non-mayoral)	<i>None</i>
North of Tyne MCA	<i>None</i>
South Yorkshire MCA	Although the MCA has powers to prepare a <i>non-statutory spatial framework</i> , they have not been implemented
Tees Valley MCA	<i>None</i>
West of England MCA	The MCA has powers to prepare a <i>statutory spatial development strategy</i> — work initiated but has now been abandoned (see <a href="http://www.westofengland-ca.gov.uk/what-we-do/planning-housing/spatial-development-strategy/">www.westofengland-ca.gov.uk/what-we-do/planning-housing/spatial-development-strategy/</a> )
West Midlands MCA	<i>None</i>
West Yorkshire MCA	The MCA did agree to prepare a <i>statutory spatial development strategy</i> in an initial devolution agreement. Government postponed conferment of powers in March 2021 pending the outcome of planning reforms (see <a href="http://www.gov.uk/government/publications/west-yorkshire-devolution-deal/addendum-to-the-west-yorkshire-devolution-deal">www.gov.uk/government/publications/west-yorkshire-devolution-deal/addendum-to-the-west-yorkshire-devolution-deal</a> )

areas that are covered by combined authorities<sup>14</sup> or within Greater London.<sup>15</sup> Even though only one combined authority is currently preparing an SDS (Liverpool City Region—see Table 1), the government wants to leave the door open for others to do the same in the future. This effectively rules out joint (local authority) SDSs being prepared in large parts of England, including the West Midlands, where the Mayor has consistently demonstrated no desire to take on any planning role. This also means that local authorities on the edge of London cannot prepare an SDS with neighbouring London Boroughs.

Strategic planning has historically played a key role in managing the growth of cities (of all scales),

which has proved particularly challenging where there is a mix of unitary authorities (the cities themselves) and two-tier areas comprising both counties and districts—especially where the cities are also surrounded by Green Belt. The fact that the use of an SDS is ruled out for a lot of these cities means that there will still not be a way forward here. It also means that there is no clear link between the government's levelling-up agenda and planning reforms—which is supposed to be one of the main reasons for reform in the first place. This is potentially a major lost opportunity.

Of course the Secretary of State has a significant number of powers of intervention at his disposal,

including the powers to direct a joint plan,<sup>16</sup> but the willingness of successive Ministers to use these powers in the past leaves a very big question over their purpose. With the proposed new Local Plan Commissioners in place, potentially to take the heat on behalf of the government in relation to intervention, these powers could become the key to enforcing effective decision-making on strategic priorities. But surely we should be encouraging and enabling a proactive and positive approach to strategic planning to deliver good spatial (sustainable) outcomes and ensure that there is the right investment to support levelling up—especially to align long-term spatial priorities with wider economic, social and environmental priorities and objectives?

There are so many more questions around the practical implications of the government's reforms, some of which will, it is hoped, be answered as more detail is released. But some of the weaknesses identified here will be addressed only through changes to the Bill, so they need to be considered now, together with the introduction of some purposeful sticks and carrots both to incentivise joint working and to ensure that it happens in a way that speeds up plan-making and supports the levelling-up agenda.

There has to be a way to balance community expectations and local democratic decision-making within a system which also ensures that decisions can be made in the interest of the greater good—a core purpose of strategic planning and of planning in general. For now, there is no clear path towards this, and the jury is therefore most definitely out on what is being proposed.

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## Notes

- 1 *Planning for the Future*. Planning White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020. [www.gov.uk/government/consultations/planning-for-the-future](https://www.gov.uk/government/consultations/planning-for-the-future)
- 2 The Levelling-up and Regeneration Bill was introduced to Parliament on 11 May 2022 — see <https://bills.parliament.uk/bills/3155>
- 3 Oral Evidence from the Secretary of State, Department for Levelling Up, Housing and Communities, in *Oral Evidence: Work of the Department 2021*. HC 818. House of Commons Housing, Communities and Local Government Committee, Nov. 2021. <https://committees.parliament.uk/oralevidence/2980/pdf/>
- 4 Levelling-up and Regeneration Bill: Second Reading. *Hansard*, Vol. 715, 8 Jun. 2022. <https://hansard.parliament.uk/commons/2022-06-08/debates/B987D8A1-ABC0-4DB0-956C-DE7BD0FB064D/Levelling-UpAndRegenerationBill>
- 5 As part of the government's latest proposals for planning reform, a set of 'national development management policies' (NDMPs) is to be introduced. They are intended to help slim down Local Plans by avoiding repetition of development management policies and speed up the plan-making process. As it currently stands, the wording of the LURB states that applications are to be determined 'in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise' (Clause 83(2))
- 6 The Local Plan has been monitored by the government since it was first put at risk from intervention in November 2017. However, despite producing a sound plan which meets the standard methodology in full by releasing Green Belt sites, the Castle Point Borough Council decided to withdraw it as it was not considered to be a plan that the community could support — see [www.castlepoint.gov.uk/news/castle-point-local-plan-2801/](https://www.castlepoint.gov.uk/news/castle-point-local-plan-2801/)
- 7 *Levelling Up and Regeneration: Further Information*. Policy Paper. Department for Levelling Up, Housing and Communities, May 2022. [www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information](https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information)
- 8 See Clause 15CA(5) in Schedule 7 of the LURB
- 9 The Secretary of State already has significant powers to affect a Local Plan, which include taking over control and directing the preparation of a joint plan. However, despite most of these powers having been in existence since 2016, they have never been used to their full force, even in situations where intervention procedures have been initiated, such as Castle Point — see note 6 above
- 10 The 'duty to co-operate', set out in Section 33A of the 2004 Planning and Compulsory Purchase Act, will be replaced by Schedule 7 of the LURB
- 11 See Clauses 15–15AI in Schedule 7 of the LURB
- 12 See Clause 15CA(2) in Schedule 7 of the LURB
- 13 Initially, five JSPs were being prepared, but only two have survived the process, with the other three being dropped because of the challenges posed by preparing a strategic plan within a Local Plan testing process and by decision-making issues, with difficulties in securing agreement on some of the key strategic planning matters, especially the spatial distribution of growth
- 14 As defined in Part 6 of the 2009 Local Democracy, Economic Development and Construction Act — see [www.legislation.gov.uk/ukpga/2009/20/part/6/crossheading/combined-authorities-and-their-areas](https://www.legislation.gov.uk/ukpga/2009/20/part/6/crossheading/combined-authorities-and-their-areas)
- 15 It is not yet clear whether the proposed new combined county authorities to be introduced via the LURB will have the powers to prepare an SDS, although it is unlikely given that they will only include the upper-tier county and unitary authorities and therefore none of the local planning authorities (districts) in two-tier areas
- 16 Clause 9 of the 2017 Neighbourhood Planning Act introduced powers for the Secretary of State to direct the preparation of a joint plan. Section 15I of Schedule 7 of the LURB proposes that these powers will continue, although this does not appear to include the preparation of a joint SDS

# revisiting Bo01



The Bo01 and wider Västra Hamnen (the Western Harbour) mixed-use redevelopment in Malmö, envisaged as the 'City of Tomorrow', is, incredibly, now over 20 years old. The development illustrates what is possible in terms of planning and implementing high-quality, low-energy and liveable mixed-use neighbourhoods. It is one of the classic templates for urban living, and I was excited to recently visit it again, to see how it had lasted over the years.

The harbour area was originally land reclaimed from the sea and developed as a shipyard and industrial docklands, but the heavy industry declined and was abandoned from the 1980s onwards. The Kockums shipbuilding industry closed in 1986. SAAB purchased the site and built a modern vehicle manufacturing factory, but this closed as SAAB-Scania merged with General Motors. The land was sold to the city authority in 1996, creating a unique opportunity to masterplan at the strategic scale—how often do city authorities wish that they owned the land in major redevelopments?

Unemployment was high for decades in Malmö, and redeveloping the Western Harbour provided the potential to change the economic profile of the city. This involved cleaning the contaminated land and rebuilding the area as a mixed-use neighbourhood, with a planned 20,000 population, 17,000 jobs, three schools, 15 pre-schools, and an extended University of Malmö, with over 25,000 students. Some of the old industrial buildings have been refurbished to link to the distinctive heritage.<sup>1</sup>

Bo01 was one of the first areas to be built in the western part of the Western Harbour, developed as part of the Bo01 Housing Exhibition in 2001—'Bo' meaning to dwell in Swedish.<sup>2</sup> The area is mainly residential, with some commercial developments such as cafés, restaurants and offices, mostly built at three-to-five stories in height.

The highest residential units overlook the Öresund, the strait of water between Sweden and

Denmark; looking towards the Öresund Bridge and Copenhagen. The higher units also block the winter winds blowing into the rest of the neighbourhood, providing a calmer and warmer micro-climate for residents and visitors. The boardwalk and urban beach provide spaces overlooking the waterfront, with high usage, particularly in the summer, including for swimming in the sea. A winter garden gives a space for sitting during the sunny winter days. The Turning Torso is the exception in height—a twisted tower with 54 floors, designed by Santiago Calatrava, providing contemporary office and conference space and residential apartments.

The neighbourhood was masterplanned by Klas Tham to provide a diversity of functions, uses, cost, and tenure, including rental, ownership, multi-ownership, and student homes. The housing styles are all purposively varied, with different designs, heights, and colours—with different architects and developers chosen for different building plots. The European Village area includes housing inspired by different European styles, all overlooking the canal.

Much of the development area is used for green or open space (up to 50%), providing stormwater management and green roofing, with water integrated into the spaces, together with semi-private courtyards and public spaces. The neighbourhood is carbon neutral, a wind turbine and solar panels provide electricity, and the residential units use renewable energy for heating and cooling, drawing from a district storage system using aquifer thermal energy. There is 100% waste separation, vacuum recycling.<sup>3</sup>

The development was planned and implemented using a 'creative dialogue' between city officials, planners, architects, developers, and citizens, enabling debate and knowledge transfer. This led to the 'Quality Programme', which outlined the expected building and open space standards.<sup>2</sup>

The space in between the buildings is still the most impressive part of the neighbourhood. The formal grid network is modified to be less geometric and appear more organic; facilitating a fine network of spaces in which to walk, sit and dwell, with high-quality landscaping and public realm. The streets give priority to pedestrians and cyclists, and there are only a few vehicles that attempt to use the residential streets, hence traffic levels remain very low.





Photos: Robin Hickman

**The quality of the spaces in between the buildings, and the lack of traffic, are what make social interactions possible—but we need to more effectively measure the quality of social interaction in these spaces so that they can be better replicated in wider developments**

A critical design element was to provide space for informal social interaction, particularly in the many semi-private, landscaped areas. There is opportunity for meeting neighbours, children can play, and passive contact is encouraged, so that passers-by can be seen and heard. This is representative of a distinctive approach to movement and liveability,<sup>4</sup> carefully designing the space between buildings so that pedestrian and cycle movement is prioritised and social interaction is made possible. This moves us beyond counting vehicles and increasing traffic volumes, to think how space can be specifically designed to encourage social interaction.

The transport connection to Malmö city centre and the railway station, 1.5 kilometres from Bo01, is either by bus, cycling, or walking. This is one weakness of the masterplan—a tram connection could have been built. However, there are plans to upgrade the bus route into a tramway in future years. Car parking outside apartments and car usage within neighbourhoods are kept to low levels through the use of adjacent multi-story car parks, often wrapped with retail or residential development to hide the structures. There are also electric-vehicle hire and car-sharing schemes for those who wish to use vehicles.

The rest of the Western Harbour continues to be built out, with further variety in styles of neighbourhoods—for example the Dockan Marina and Flagghusen, the latter aiming at more affordable housing with over 60% of the housing units rented.<sup>5</sup> Scaniaparken and Varvsparken provide open spaces, together with Stapelbäddsparken, an urban skatepark. Alongside, a contemporary Bicycle House provides residential units and hotel rooms, with no on-site car parking apart from one space for disabled people, and cycle parking and hire is provided instead.

Yet the key lesson from Västra Hamnen is in the diversity of the spaces in between the buildings. These are environmentally sustainable neighbourhoods, but also there has been much thought and discussion, using the 'creative dialogues', to implement human-scale and engaging living environments.

When I look around at the new developments in London, I compare them to spaces such as Bo01. Unfortunately, the comparison is not favourable—we seem to have lost the plot in urban planning and design, and in transport planning and engineering, as the resources of local authorities dwindle and developers focus on increased profitability in new developments.

Think of Vauxhall-Nine Elms-Battersea, where there are many problems symptomatic of contemporary urban planning in the UK. There is no affordability in housing provision, and the level of environmental performance is disappointing. Yet beyond these factors, for the transport planner it is the informal spaces for social interaction that are missing. The big-block residential development, crowding around the power station, afford people few chances to sit outside their homes, to meet and greet their neighbours, or to amuse their children in a shared garden.

## 'Transport planners struggle to measure levels of social interaction... However, social interaction, with different types of people, is key to vibrant city life'

Transport planners struggle to measure levels of social interaction, and this is an additional reason why there is so little focus on developing spaces in this way. However, social interaction, with different types of people, is key to vibrant city life—and Malmö, drawing on its distinctive industrial heritage, has successfully achieved this in its new neighbourhoods. There are many lessons for us to learn.

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### Notes

- 1 *Current Urban Development in Västra Hamnen*. Malmö City Planning Office, 2015
- 2 G Austin: 'Case study and sustainability assessment of Bo01, Malmö, Sweden'. *Journal of Green Building*, 2013, Vol. 8(3), 34–50
- 3 *Bo01 and Western Harbour Case Study*. Gehl Architects (undated)
- 4 J Gehl: *Life Between Buildings: Using Public Space*. Van Nostrand Reinhold, 1987; and J Gehl: *Cities for People*. Island Press, 2010
- 5 'The Creative Dialogue' for Flagghusen. Malmö City Planning Office, 2011. Available at [https://climate-adapt.eea.europa.eu/metadata/case-studies/optimization-of-the-mix-of-private-and-public-funding-to-realise-climate-adaptation-measures-in-malmo/malmo\\_document1.pdf](https://climate-adapt.eea.europa.eu/metadata/case-studies/optimization-of-the-mix-of-private-and-public-funding-to-realise-climate-adaptation-measures-in-malmo/malmo_document1.pdf)

# the first 1001 days



It is very plausible that a baby born in the UK today will live into their 90s, and even beyond. The young can expect to become the very old, and this creates an imperative that people should age well.<sup>1</sup>

A numerical focus on the number of years that people will live is historically understandable when for centuries it was highly uncertain that a child would survive past their first birthday, but it obscures a much more complex and important discussion around quality of life as people age. The number of years that a person lives in good health varies greatly between individuals, and yet that is not entirely a result of an individual's behaviour. Substantial evidence shows that poor health is intrinsically linked to the environments in which we live, as well as genetic and social factors. As Lord Nigel Crisp asserts, 'our health as individuals is intimately connected to the health of our communities, and our society—and, ultimately, our environment and our planet'.<sup>2</sup>

### From an ageing to a longevity society

A focus on increased life expectancy at birth and a demographic shift to an older population, often discussed under the term 'ageing society', is familiar to planners and place-makers. The World Health Organization (WHO) published *Global Age-friendly Cities: A Guide* in 2007,<sup>3</sup> and the RTPI recognised ageing as a key transition facing the UK in 2015.<sup>4</sup>

So far, the urban planning response to ageing has most often been expressed as creating older-age-friendly environments. This focuses on creating landscapes, buildings, transportation systems and housing stock that contribute to confident mobility, healthy behaviours, social participation, and self-determination.<sup>3</sup> It also tends to focus on specific age-related interventions such as creating dementia-friendly neighbourhoods, supporting 'ageing in place', and more recently considering the role of



William Fortunato / Pexels

**Place-making and planning policy have the potential to positively influence the first 1001 days of life**

older people in the post-Covid recovery of town centres and high streets.<sup>5</sup>

While they are all valuable interventions to support the health of older people, with co-benefits accruing to other groups, these narrow actions only seek to intervene for ageing at one point—when people are already old, and often already experiencing significant levels of ill-health and entrenched inequality. A potentially far more radical way to foster planning interventions for healthy ageing is to consider how people arrive at older age—a longevity view in which ever-increasing resources are focused on healthy ageing, with actions and interventions spread across the life-course.<sup>1</sup>

Such an approach recognises the cumulative influences that contribute to disparities in health in older age, and accepts the need for, and efficacy of, proactive interventions in early age—including within the very first days of life.

**'The beginning is the most important part of the work'—Plato's *The Republic***

The physical, emotional, mental and social state in which people find themselves at age 90 is the product of their entire lives, beginning in the womb and powerfully influenced across the first 1001 days of life. The first 1001 days, from pregnancy to age two, is an age of opportunity and a critically important stage of rapid development in babies that lays

the foundations for later health, wellbeing, and happiness. It is also a period of unique vulnerability, during which babies are acutely reliant on adult care-givers and susceptible to their environment.<sup>6</sup>

During the nine months in which a baby develops in the womb, a vast amount of brain growth occurs. At first there is an abundant creation of neurons, and then extensive connections form between them.<sup>7</sup> Neurons are the building blocks of the brain, and neurogenesis—the growth of new neurons—occurs prolifically throughout pregnancy. Synapses form the connection mechanism between neurons, and the process of synapse formation is highly prolific during a child's first five years. At birth each neuron in the cerebral cortex has approximately 2,500 synapses. By the time an infant is three years old, the number of synapses is approximately 15,000 per neuron, roughly twice that of an adult. Through childhood and adolescence these synapse connections will be adapted, established and 'pruned back' to form the basis of the adult brain.<sup>8</sup>

Experience of prolonged stress during this stage of life can impair the development of neural connections and undermine the foundations of connections that will form later, including future higher-order functions of the brain dedicated to learning, resilience, and behaviour. Exposure to stress and adversity in the initial phase of life affects the foundations of infant development (physical, cognitive, social and emotional, and behavioural), leading to poorer health and wellbeing outcomes as adults, increasing levels of deprivation and entrenching inequality.<sup>9</sup>

Child development is a complex and dynamic process. During the first 1001 days, as the brain develops and organises, it is more receptive to environmental inputs and malleable in reaction to experiences, both positive and negative.<sup>10</sup> Evidence has found that early childhood adversity is associated with atypical development of the controls in the brain that direct the release of stress hormones.<sup>11</sup>

Patterns of both reduced and exaggerated stress hormone responsiveness were found to be associated with psychiatric problems in childhood, adolescence, and adulthood, including depression, increased suicide risk, and post-traumatic stress disorder. Adverse experiences can also lead to poorer educational achievement, an increased likelihood of interaction with the criminal justice system, and disadvantaged life-course prospects. When fight or flight responses dominate, there is limited capacity left for learning or any other type of executive functioning.<sup>12</sup> Sir Michael Marmot has found that the greater the degree of deprivation that a child is born into, the greater the frequency of adverse experiences they are likely to encounter,

increasing inequality and further impacting the life-chances of children.<sup>13</sup>

The Centre on the Developing Child at Harvard University has argued<sup>14</sup> that that the environments that we create, and the experiences that we provide for young children and their families, not only affect the development of children's brain architecture, but can also affect other physiological systems. Indeed, there is growing evidence that extended exposure to stressful conditions contributes to physiological dysregulation, which can subsequently translate into disease much later in life. As century-long lives become the norm, it is imperative that we appreciate the cumulative effects of urban environments on healthy longevity, and design and reshape cities to ensure that lives start well, not least to optimise very long lives in which people live well and age well.<sup>15</sup>

In this context, ensuring that babies develop and grow up in healthy homes and communities is vital, and yet most planners, urban designers and architects have no awareness of the importance of the first 1001 days of life and their role in influencing the quality of this period of life—for good or ill.

There is a strong ethical, social and economic case for intervention in this period. Investing in early childhood is cost-effective in delivering greater returns in education, health and productivity,<sup>16</sup> even during a national budget crisis such as that we are now facing in the aftermath of the Covid-19 pandemic. Short-term costs are offset by the immediate and long-term benefits that investment provides through better health outcomes, reduced need for special education and social services, lower criminal justice costs, and increased self-sufficiency and productivity among families.

### Putting the puzzle together

So, if we know that the early childhood years have a profound and lasting impact on children's health and developmental outcomes, and if we know that the environments in which children grow up play a major role in their healthy development and their health into older age, what should we be doing?

In Australia the Kids in Communities Study<sup>17</sup> investigated the potential influence of community-level factors on early childhood development outcomes and identified 11 'foundational community factors' (FCFs) important for early childhood development, including:

- walkability;
- the availability and quality of public open space;
- the availability and diversity of facilities;
- sense of community; and
- the affordability of early-childhood education and care.

Authorities and communities can develop ways to measure and monitor these FCFs over time to identify potential intervention points and to evaluate intervention impacts on early child development.

The Bernard Van Leer Foundation's Urban95 global initiative<sup>18</sup> is working to understand how cities that are designed to support the wellbeing of babies, toddlers and their care-givers are better for all. The core question it poses to those in city policy-making, planning and design is: 'If you could experience the city from 95cm—the height of a healthy 3-year-old—what would you change?' The project has developed three lessons for toddler-friendly cities:

- We need to design to enable care-givers to give care—not be stressed, distracted or concerned by the environment.
- Proximity matters—services and facilities need to be accessible by active travel and truly user-friendly public transport.
- 'Think babies' should be a universal design principle, with the benefit of being likely to create spaces and environments that ultimately work for everyone.

In the USA the Institute for Transportation and Policy Development has developed guidance<sup>19</sup> on making 'complete neighbourhoods' for babies, toddlers, and care-givers, in which mobility options and the wider built environment support the health and wellbeing of families with young children and help them to thrive. In the model it set out, an ideal complete neighbourhood is one in which:

- care-givers can easily meet all the daily needs that arise in supporting the development of their baby or toddler;
- stress is lowered for care-givers because of that access, which in turn encourages frequent warm, responsive interactions between them and their young child; and
- babies and toddlers are given safe, healthy and stimulating environments that foster their social, emotional, physical and cognitive growth—including reduced exposure to air and noise pollution.

### Avoid the 'too hard' box

All the examples cited above seek to take a holistic and co-ordinated approach to supporting care-givers in order to create the greatest opportunity for healthy early child development. Interventions in the first 1001 days of life cannot be limited solely to health or educational practitioners, or considered 'out of scope' for urban planners and planning policy-makers. Planning across domains of practice and influence to create longevity-ready environments that are safe, suitable, stable and salutogenic is key to providing a child with a first 1001 days of life that reduces



sources of disadvantage across the life course and simultaneously improves the health and wellbeing of all people—including older age groups.<sup>20</sup>

For most planners, thinking in this way may be new. It may feel uncomfortable and unwieldy. Certainly more research is needed to explore and build support for using the planning system to intervene effectively in this area in the UK. However, it is ethically and socially vital that planners engage with issues such as the first 1001 days and avoid placing complex subjects not traditionally thought of as part of planning in the ‘too hard’ box.

Place-making and planning policy have the potential to positively influence the first 1001 days and transform the life-chances of infants and their families. It is time for planners to start challenging themselves to question the boundaries of practice and invest time and effort into understanding and working collaboratively towards a healthier society for everyone—from cradle to grave. The WHO is absolutely clear that investing in early childhood development is good for everyone—governments, businesses, communities, parents and care-givers, and, most of all, babies and young children. It is also the right thing to do, helping every child to survive and thrive.<sup>21</sup>

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## Notes

- 1 AJ Scott: ‘The longevity society’. *The Lancet*, 2021, Vol. 2(12), E820–27. [www.thelancet.com/journals/lanhl/article/PIIS2666-7568\(21\)00247-6/fulltext](http://www.thelancet.com/journals/lanhl/article/PIIS2666-7568(21)00247-6/fulltext)
- 2 N Crisp: *Health Is Made at Home, Hospitals Are for Repairs: Building a Healthy and Health-Creating Society*. Salus Global Knowledge Exchange, 2020
- 3 *Global Age-friendly Cities: A Guide*. World Health Organization, 2007. <https://apps.who.int/iris/handle/10665/43755>
- 4 V Pinoncelly: ‘Why we need to talk about ageing in place’. Blog Entry. RTPI, Oct. 2015. [www.rtpi.org.uk/blog/2015/october/why-we-need-to-talk-about-ageing-in-place/](http://www.rtpi.org.uk/blog/2015/october/why-we-need-to-talk-about-ageing-in-place/)
- 5 J Phillips, N Walford, A Hockey and L Sparks: ‘Older peoples, town centres and the revival of the ‘High Street’’. *Planning Theory & Practice*, 2021, Vol. 22(1), 11–26. [www.tandfonline.com/doi/full/10.1080/14649357.2021.1875030](http://www.tandfonline.com/doi/full/10.1080/14649357.2021.1875030)
- 6 J Reed and N Parish: *Working for Babies: Lockdown Lessons from Local Systems*. Isos Partnership, for First 1001 Days Movement, Jan. 2021. <https://parentinfantfoundation.org.uk/1001-days/resources/working-for-babies/>
- 7 J Oates, A Karmiloff-Smith and MH Johnson (Eds): *Developing Brains*. Early Childhood in Focus 7. Open University, 2012. [http://oro.open.ac.uk/33493/1/Developing\\_Brains.pdf](http://oro.open.ac.uk/33493/1/Developing_Brains.pdf)
- 8 M Conkbayir: *Early Childhood and Neuroscience: Theory, Research and Implications for Practice*. Bloomsbury Academic, 2017
- 9 *First 1000 Days of Life*. HC 1496. Thirteenth Report of Session 2017–19, 2019. Health and Social Care Committee, House of Commons, Feb. 2019. <https://publications.parliament.uk/pa/cm201719/cmselect/cmhealth/1496/1496.pdf>
- 10 BD Perry: ‘Examining child maltreatment through a neurodevelopmental lens: clinical applications of the neurosequential model of therapeutics’. *Journal of Loss & Trauma*, 2009, Vol. 14(4), 240–55
- 11 C Heim, DJ Newport, T Mletzko, AH Miller and CB Nemeroff: ‘The link between childhood trauma and depression: Insights from HPA axis studies in humans’. *Psychoneuroendocrinology*, 2008, Vol. 33(6), 693–710
- 12 H Burns: ‘Public health in Scotland’. Presentation. NHS Scotland, Aug. 2011. [www.slideshare.net/NHSScotlandEvent/public-health-in-scotland-harry-burns](http://www.slideshare.net/NHSScotlandEvent/public-health-in-scotland-harry-burns)
- 13 M Marmot, in ‘Personal responsibility’. *Moral Maze*, 17 Feb. 2021. BBC Radio 4. [www.bbc.co.uk/programmes/m000s7nh](http://www.bbc.co.uk/programmes/m000s7nh)
- 14 *Connecting the Brain to the Rest of the Body: Early Childhood Development and Lifelong Health Are Deeply Intertwined*. Working Paper 15. Centre on the Developing Child, Harvard University, for the National Scientific Council on the Developing Child, 2020. <https://developingchild.harvard.edu/resources/connecting-the-brain-to-the-rest-of-the-body-early-childhood-development-and-lifelong-health-are-deeply-intertwined/>
- 15 C Wang, D Sierra Hertas, JW Rowe, et al.: ‘Rethinking the urban physical environment for century-long lives: from age friendly to longevity-ready cities’. *Nature Aging*, 2021, Vol. 1, 1088–95. <https://doi.org/10.1038/s43587-021-00140-5>
- 16 JJ Heckman: *Invest in Early Childhood Development: Reduce Deficits, Strengthen the Economy*. Heckman Equation Project, Dec. 2012. [https://heckmanequation.org/www/assets/2013/07/F\\_HeckmanDeficitPieceCUSTOM-Generice\\_052714-3-1.pdf](https://heckmanequation.org/www/assets/2013/07/F_HeckmanDeficitPieceCUSTOM-Generice_052714-3-1.pdf)
- 17 S Goldfeld, K Villanueva, JL Lee, et al.: *Foundational Community Factors (FCFs) for Early Childhood Development: A Report on the Kids in Communities Study*. Kids in Communities Study, Apr. 2018. [www.rch.org.au/uploadedFiles/Main/Content/ccch/CCCH-KICS-Final-Report-April-2018.pdf](http://www.rch.org.au/uploadedFiles/Main/Content/ccch/CCCH-KICS-Final-Report-April-2018.pdf)
- 18 See the Bernard van Leer Foundation’s Urban95 initiative website, at <https://bernardvanleer.org/solutions/urban95/>
- 19 *Complete Neighborhoods for Babies, Toddlers, and their Caregivers*. Institute for Transportation and Development Policy, Oct. 2021. [www.itdp.org/publication/complete-neighborhoods-for-babies-toddlers-and-their-caregivers](http://www.itdp.org/publication/complete-neighborhoods-for-babies-toddlers-and-their-caregivers)
- 20 D Buck, A Baylis, D Dougall and R Robertson: *A Vision for Population Health: Towards a Healthier Future*. The King’s Fund, 2018. [www.kingsfund.org.uk/publications/vision-population-health](http://www.kingsfund.org.uk/publications/vision-population-health)
- 21 *Nurturing Care for Early Child Development: A Framework for Helping Children Survive and Thrive to Transform Health and Human Potential*. World Health Organization, 2018. <https://apps.who.int/iris/bitstream/handle/10665/272603/9789241514064-eng.pdf>

# a planning bill in all but name

**Andrew Pritchard** outlines some key measures set out in — and key omissions from — the Levelling-up and Regeneration Bill

The government's Levelling-up and Regeneration Bill<sup>1</sup> does not include the word 'planning' in its title, but the majority of its 338 pages relate to the operation of England's much maligned planning system.

The Bill moves away from some of the more radical reforms proposed in the 2020 Planning White Paper and instead focuses on measures that aim to make the 'spatial' elements of Local Plans easier and quicker to develop, strengthen Local Plans' status in decision-making, and provide local planning authorities with more effective implementation tools. Centrally determined housing targets have been dropped. However, the White Paper's emphasis on digitalisation remains, as does the proposal for a set of 'national development management policies' (NDMPs) and the requirement for local planning authorities to establish a 'design code'. The 'duty to co-operate' will be abolished and replaced by a non-statutory policy test.

In a number of important areas the Bill only provides a framework, with the detail following in secondary legislation (for example on the new Infrastructure Levy). In others the Bill's clauses represent 'placeholders' to enable more detail to be inserted as amendments as the Bill progresses through Parliament (for example the proposal for 'street votes'). One can only ponder how long (or heavy) the Bill would have been if all this detail had been included.

If enacted, the Bill will also be the 20th piece of legislation to amend the Town and Country Planning Act 1990.<sup>2</sup> As a result, it is very difficult for a non-lawyer to understand exactly what is being amended by any particular clause and to what effect. It is probably quite hard for lawyers too—but they get paid more for trying! A planning 'Consolidation Act' is long overdue.

The Bill is likely to take a year to secure Royal Assent, and the necessary secondary legislation at least as long again (the post-Johnson change of administration could delay this further). As a result, the changes are not expected to have effect until at least 2024—i.e. in the run-up to the next general election.

While the Bill strengthens the status of the Local Plan in decision-making, it also gives priority to the afore-mentioned new NDMPs in the event of any conflict with the plan. Ministers believe that this will avoid the needless repetition of national policy on issues such as Green Belts or heritage protection. However, the scope of NDMPs and the process by which they can be determined (and amended) is almost totally unconstrained by the Bill. As a number of lawyers<sup>3</sup> and MPs<sup>4</sup> have already remarked, this could result in a significant expansion of central government influence over local planning decisions.

Key measures in the Bill include:

- **Development plans:** Schedule 7 of the Bill sets out new streamlined procedures for developing and adopting Local Plans and Neighbourhood Plans. The government's expectation is that this will enable Local Plans to be developed within 30 months (including two rounds of public consultation and an independent examination) and reviewed every five years.
- **Five-year housing land supply:** The government intends to remove the requirement for local planning authorities to maintain a five-year housing land supply after a Local Plan is adopted so as to encourage timely plan-making. However, the Bill also gives the government powers to appoint new Local Plan Commissioners to take on plan-making if a planning authority is considered to be failing.
- **Spatial Development Strategies:** The Bill gives powers for local planning authorities to produce voluntary Spatial Development Strategies to cover strategic issues that cross local planning authority boundaries. When adopted, they will form part of the statutory development plan.
- **Supplementary Plans:** The Bill will introduce Supplementary Plans, which will also form part of the development plan, to replace Supplementary Planning Guidance.
- **Grant and implementation of permission:** The Bill includes measures to allow local planning

authorities to issue both commencement and completion notices to secure the build-out of planning permissions and improve the enforcement of planning conditions. The Bill includes measures to provide the Crown with a more effective process for securing planning permission for 'urgent' and 'nationally important' Crown development.

- **Infrastructure Levy:** The Bill includes measures to establish a new locally determined and mandatory levy to fund infrastructure, which would effectively replace the Community Infrastructure Levy (outside London) and Section 106 agreements for smaller sites. The levy will be based on value of property when sold, and is to be set as a percentage. As a result, the government expects that the cost of the levy will be incorporated into land values. Linked to the levy, local planning authorities will be required to prepare an 'infrastructure delivery strategy', with which infrastructure providers will have to assist.
- **Data:** The Bill includes measures designed support the digitalisation of planning by establishing common data standards and software requirements, and measures designed to secure greater transparency of land ownership and land transactions.
- **Environment:** The Bill will replace the EU Strategic Environmental Assessment and Environmental Impact Assessment regimes with a new system of Environmental Outcome Reports, based on outcomes set by government. The Bill includes a non-regression clause with regards to current EU legislation.
- **Heritage:** The Bill will give designated heritage asset designations such as World Heritage Sites and Scheduled Monuments the same statutory protections as listed buildings and Conservation Areas and will put Historic Environment Records on a statutory basis.
- **Compulsory Purchase Orders:** The Bill includes measures that are intended to make Compulsory Purchase Orders (CPOs) easier to use, and the assessment of 'hope value' more realistic. The Bill also confirms that CPOs can be used to secure regeneration objectives.
- **Development Corporations:** The Bill enables the creation of Locally Led Urban Development Corporations and ensures that they (and any Locally Led New Town Development Corporations) will have the same status and powers as Mayoral Development Corporations—including the potential to be designated as the local planning authority for both plan-making and planning decision-making.

Other related measures outside the Bill include:

- a commitment to establish transition arrangements for local planning authorities based on the expectation that the changes set out in the Bill will begin to have effect from 2024—but as yet there are no details (or additional funding);
- a commitment to increase planning fees—35% for major applications, 25% for minor applications; and

- confirmation that the government will review the NPPF (National Planning Policy Framework) to reflect the Bill and consult on the scope of the proposed NDMPs.

Given that it is already so long, what else could possibly be missing from the Bill? For all its reach and complexity, the planning system lacks a statutory 'purpose', without which it remains vulnerable to 'capture' by vested interests and the further loss of public support. The TCPA has played a key role in the Better Planning Coalition which is dedicated to filling this void,<sup>5</sup> but on this need the Bill remains silent. Nor does it place any constraint on the extension of permitted development rights, the negative impacts of which have been clearly demonstrated.<sup>6</sup>

The Bill also leaves 'larger than local' strategic planning as a purely voluntary pursuit outside of London, with no Ministerial appetite for re-introducing a statutory tier of strategic plans to replace the former County Structure Plans or the Regional Spatial Strategies abolished in 2011.

The Bill's objective to make plan-making simpler, quicker and more effective should be welcomed. The inability of local planning authorities to adopt and review Local Plans in a timely manner has been the Achilles heel of the system from 1947 to the present day. But these latest reforms come at a time of unprecedented financial and workforce challenges for local planning authorities that are also grappling with the implementation of the Environment Act 2021 and the digitalisation agenda.

A clear transition plan and significant additional resources for local planning authorities will be necessary to make any progress towards the government's stated outcomes.

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## Notes

- 1 See <https://bills.parliament.uk/bills/3155>
- 2 As listed on The Planning Jungle website — see <https://planningjungle.com/other-legislation/links-to-the-planning-acts/>
- 3 See, for example, Z Simons: 'All change please: the new test at the heart of the 'Levelling-up and Regeneration Bill''. Blog Entry. #planoraks, 12 May 2022. [www.planoraks.com/posts-1/all-change-please](http://www.planoraks.com/posts-1/all-change-please)
- 4 For example, Sir Geoffrey Clifton-Brown MP during the debate on the Bill's Second Reading — see [www.cliftonbrown.co.uk/parliament/sir-geoffrey-clifton-brown-welcomes-levelling-and-regeneration-bill-cautions-against](http://www.cliftonbrown.co.uk/parliament/sir-geoffrey-clifton-brown-welcomes-levelling-and-regeneration-bill-cautions-against)
- 5 See *Better Planning Coalition — Briefing for the Commons Second Reading of the Levelling Up and Regeneration Bill*. Better Planning Coalition, Jun. 2022. [www.cyclinguk.org/sites/default/files/document/2022/06/2022\\_bpc\\_mps\\_lurb-commons-2nd-reading\\_brf\\_0.pdf](http://www.cyclinguk.org/sites/default/files/document/2022/06/2022_bpc_mps_lurb-commons-2nd-reading_brf_0.pdf)
- 6 See, for example, the TCPA's Campaign for Healthy Homes webpages, at <https://tcpa.org.uk/collection/the-healthy-homes-act/>

# the levelling-up and regeneration bill — fiddling while england burns?

The Levelling-up and Regeneration Bill fails to adequately address any of the key questions that must be faced when constructing a properly functioning planning system, says **Hugh Ellis**

This article was originally conceived as a general scan of the Levelling-up and Regeneration Bill<sup>1</sup> as it moved through its House of Commons Committee Stage. At the time of writing, we are all in the grip of the interregnum created by the resignation of the Prime Minister and the Conservative Party leadership election. Anything is therefore possible, and political uncertainty will prevail right through the summer, until a reshuffle under a new Prime Minister in September. However, the Bill's Committee Stage has resumed, and so far the government appears determined to push ahead without compromising either with the opposition or in response to the host of amendments put down by its own back-benchers.

This issue of *Town & Country Planning* contains a range of detailed analysis of many of the provisions of the Bill, and the TCPA has already placed on record its concerns about the impact on democracy and community participation of the centralising measures that the Bill includes.<sup>2</sup> This article is, rather, a reflection on the wider implications of the Bill, with a focus on where this might leave of the future planning reform in 2024. By then, according to the government's own timetable, both the Bill and the rewritten National Planning Policy Framework (NPPF) will come into force.

Parliamentary scrutiny of the Levelling-up and Regeneration Bill has revealed that its contents are overwhelmingly focused on devolution and planning reform. Perhaps the most striking feature of its contents is that there is no great intellectual 'big idea' about our collective future. The sections

relating to levelling up are largely about the need to measure the levelling-up missions, rather than on just how to go about tackling the problems. There is no new urban policy for England, for example. The sections on devolution continue the voluntarist trend that has been pursued with more or less enthusiasm since 2010. The sections on planning largely set out incremental changes, containing nothing new to indicate the purpose of the system or even to affirm, as Scotland has done, that it should be conducted in the public interest.

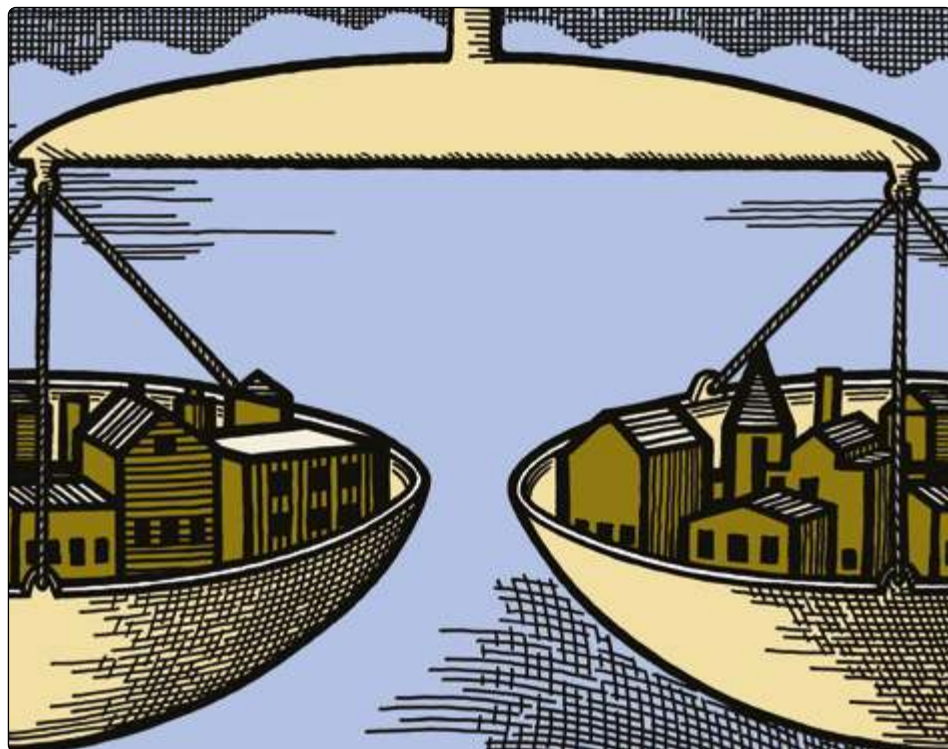
There are five key themes that are significant for the future of planning reform.

## **Strategic planning and local government re-organisation**

Early in the process of conducting the TCPA's Raynsford Review of Planning in England<sup>3</sup> it became apparent that reform of the planning system for England can never be divorced from local government re-organisation. Many of the issues relating to creating democratic and rational strategic planning or to assigning logical powers between different tiers of national, regional, local and neighbourhood governance depend on a more rational approach to local government boundaries.

The problem that planning reform faces is that, rather than a rational exercise in local government re-organisation, change is happening by stealth. This is partly driven by austerity leading to combined services and in some cases new unitary authorities. As for the rest, it is dominated by bespoke devolution





deals that assign differing planning powers to the various core cities. The Bill extends this process by offering the prospect of 'combined county authorities'. There are many powerful positive arguments for devolution, but because each deal represents a different set of powers, constructed under differing law, as in, for example, Liverpool, Manchester and London, there is no coherence to the future of English local government and certainly no benchmark based on functional geography. As a result, planning reform is being played out against a backdrop of chaotic institutional arrangements.

Remarkably, the Bill makes this chaotic position much worse by abolishing the duty to co-operate and replacing it with a much weaker policy compliance test. While there are new instruments for strategic planning in the proposed joint Spatial Development Strategies (SDSs), they are voluntary and will do nothing to resolve the problems exhibited in the West of England and elsewhere when significant investment in developing a strategy can be undermined by the changing political priorities of the constituent local authorities.

So the question of how to effectively manage the key strands of strategic geography in England, let alone the development of a national strategy, have been ignored is this legislation. This is despite the growing evidence of the need for strategic solutions on, for example, the relocation of population from flood risk areas. The result is bound to be sub-optimal in terms of delivering the solutions that the nation needs.

### **The structure and the status of the development plan**

Part 3 of the Bill sets out two new components of the development plan at the local level: SDSs and Supplementary Plans. Both of these parts of the development plan are voluntary. Taken together, this suite of documents has some resonance with the 2004 Local Development Framework (LDF)—which is more than a little ironic since the abolition of LDFs in 2011 was intended to simplify the planning system.

The real prize for government is to create a stripped-down Local Plan in which detailed design issues are dealt with in Supplementary Plans and development management policy is determined nationally. This confirms the double mistake that most planning reform has made over the last 10 years. The first is to focus on the needs of the administrators of the system and not the outcomes in the public interest; the second is to rewrite legislation when the core challenges are in resources and skills.

The problem with the government's desire to fillet the Local Plan and make strategic co-operation and detailed design policy voluntary is that many local authorities will be forced by austerity to default to the bare statutory minimum. This may well simplify planning, but it creates no platform upon which communities can express their desire for change, nor a document capable of dealing with the complex job of place-making.

## **The impact on public trust**

The question of what power communities should have over their own future leads us to one of the most controversial aspects of the proposed legislation, particularly when public trust in a deregulated planning system is at such a low ebb. Clause 83 creates an entirely new legal status for national policy set by the Secretary of State: the 'national development management policies' (NDMPs) would give the Secretary of State complete freedom to write any planning policy of any character. Then, the provisions in Subsection 83(2) (insert 5C) ensure that such policy trumps the status of the Local Plan where there is dispute.

The previous Secretary of State, Michael Gove, sought to persuade parliamentarians that this was a minor change to the status of national policy. He was wholly wrong in that view. The current NPPF is not required by law, and while its policy contents are influential they do not, of themselves, trump the statutory status of a local development plan. Without entering into the detail here, it is clear that Paul Brown QC and Alex Shattock of Landmark Chambers are quite right in their assessment of what a radical change this represents to English planning.<sup>4</sup> The most significant outcome is to disempower local government and further marginalise the voice of communities in the planning process. These are the proposals which might be described as the final remnant of the failed Planning White Paper published in 2020, and the centralising tendency is clear.

## **'The legislative opportunity to provide a clearer and lasting settlement to the governance of planning has been lost'**

While the major emphasis on digitalisation in the Bill will undoubtedly allow communities to digest more planning data, the danger is that this increased understanding will not translate into effective meaningful influence over local decisions. In the same way, while the strengthening of the status of the Local Plan in the legislation is welcome, the reduction of the overall power of the plan through the introduction of NDMPs clearly undermines public trust. The legislative opportunity to provide a clearer and lasting settlement to the governance of planning has thus been lost, and the result is that public trust will not be restored.

## **Betterment taxation**

While the Planning White Paper<sup>5</sup> may seem like ancient history, the one measure that survived the impact of the political backlash which resulted from its publication is the notion of a national Infrastructure Levy. The generation of betterment value is the

inevitable by-product of land use regulation, and tapping of betterment for public benefit is a vital foundation for building and renewing communities. But the version of the levy proposed in the Bill does not represent a lasting settlement to this question. It leaves Section 106 agreements in place for larger schemes, and the levy allows for the local collection of revenue and determination of rates. The only national aspect to the levy is the methodology, which, while having some positive impacts, is unlikely to make a seismic change to the overall yield secured from our current approach.

Despite a great deal of rhetoric, there is no effective mechanism in the Bill to ensure that current levels of affordable housing, themselves woefully inadequate, will continue to be delivered, even though Section 106 agreements will be preserved. That could only be credibly assured by a commitment from HM Treasury to support such delivery. Instead, the impact of the legal duties on net gain for biodiversity means that demands on development values are increasing, putting a greater squeeze on our dominant method for the delivery of 'affordable' homes.

## **Compulsory purchase and hope value**

Of all the various aspects of the government's current planning reform agenda, perhaps the most positive is the drive to reform compulsory purchase and hope value. Hope value represents a speculative element of market valuation, applied after the impact of the proposed scheme on land values has been discounted. Hope value was enabled by changes to the law in the late 1950s which allowed, in many cases, landowners to benefit from a fantasy land of future planning consents which drove up land values in ways that compromised the viability of public sector housing schemes.

The government's desire to seek a fair balance between the interests of landowners and public authorities is laudable, and amplified in the recent consultation on changes to the 'compensation code'.<sup>6</sup> Part 7 of the Bill does contain specific changes to the compulsory purchase procedure that support its administration, but the core issue of precisely how the compensation code might be reformed to deal with hope value remains unanswered, and will be determined by the government's response to the recent consultation.

## **The Bill and the future of town planning**

In each and every aspect of the Bill the strong impression is created of measures that are either procedural tinkering or fail to provide a lasting settlement to the fundamental problems of the current English planning system. Some of the Bill's placeholder clauses on issues such as 'street votes' provide the worst examples of this general rule.

Even more importantly, the Bill is silent on key issues such as climate change, where, despite

detailed proposals from cross-sector coalitions, no progress has been made in welding the provisions of the planning Acts to the vital requirements of our climate legislation. And if there were any doubt about how little priority this government gives to the existential threat to our future posed by climate change, that was dispelled by the sight of the governing party's MPs voting against the attempt to strengthen the legal obligation on climate change in planning law during the Committee Stage—a truly shameful act as the country sweltered in the face of record-breaking temperatures.

Neither can all this legislative effort distract from the elephant in the room—the question as to whether a demoralised and underfunded public planning service has the capacity to implement the changes implied in the Bill and the subsequent rewriting of national planning policy. Certainly nothing proposed in the increased charges for planning fees will be sufficient to restore a viable planning service in most parts of England.

Given that the Bill does not deliver the demolition of the existing planning system threatened in the Planning White Paper, how should we locate it in the long line of intensive reform to English planning? Since the last full consolidation of planning law in 1990, English planning has operated under three significantly different systems. Between 1990 and 2004 there were Local Plans, Structure Plans, and Unitary Development Plans. This era also included a strengthening of the status of the development plan and advisory regional planning policy. From 2004 to 2010 we saw the implementation of Local Development Frameworks and the development of statutory regional planning which also had development plans status. In 2011 this system was abolished, with English planning reverting to the Local Plan as the sole planning document, followed by the slow increase of a patchwork of devolved regional responsibilities. Only London bucked trend, effectively keeping its planning arrangements intact.

It is notable that the rapid rate of reform and the immense amount of resources required by significant changes to the system have not fundamentally resolved any of the core questions that lie at the heart of any successful planning system. These questions—about purpose, governance, structure, and betterment taxation—always lie at the heart of the operation of a democratic spatial planning system. None have been adequately resolved in the procedural changes set out in Levelling-up and Regeneration Bill.

## Conclusion

Central government has spent over a decade meddling and deregulating, reducing funding and seeking any opportunity to demoralise planners and undermine the reputation of town and country planning. The system will no doubt creak forward, but the sense that this Bill is a wasted opportunity

is overwhelming. None of the key question that any government has to address in constructing a successful planning system have been adequately addressed, even when, in the case of climate change, there is clear need for immediate action.

The next government will face a daunting first 100 days, and its ability to address the lack of ambition in this Bill will define the future of planning. There will be a need for forensic fixes to the current system before reality will drive more fundamental change, including the return to statutory regional plans and a national spatial strategy for England. The climate crisis alone will demand these tools for our national survival.

As we look beyond this Bill to the real task of planning reform, one thing is clear. The government profoundly misunderstands what planning can achieve in shaping places for our collective wellbeing. Planning is a complex endeavour because people and places are complex. Our response does not have to be complicated, but it does have to be comprehensive, powerful, and democratic. One can only speculate what could have been achieved in all this wasted time if, rather than succumbing to the wholly false orthodoxy that it is a barrier to progress, planning had been seen as a means to secure our future survival.

● **Hugh Ellis** is Director of Policy at the TCPA. The views expressed are personal.

## Notes

- 1 Levelling-up and Regeneration Bill. House of Commons, May 2022. <https://bills.parliament.uk/bills/3155>
- 2 H Ellis: 'The Levelling Up and Regeneration Bill: a decisive shift of power to Whitehall'. Blog Entry. TCPA, 12 May 2022. <https://tcpa.org.uk/the-levelling-up-and-regeneration-bill-a-decisive-shift-of-power-to-whitehall/>
- 3 *Planning 2020 – Final Report of the Raynsford Review of Planning in England*. Raynsford Review. TCPA, Nov. 2018. <https://tcpa.org.uk/resources/the-raynsford-review-of-planning/>
- 4 P Brown and A Shattock: *Briefing Note on the Provisions in the Levelling Up and Regeneration Bill Concerning Public Participation in the Planning System*. Landmark Chambers, 2022. <https://bills.parliament.uk/publications/46953/documents/2011> This legal advice was commissioned by Rights Community Action from Landmark Chambers and was submitted, along with a rebuttal of the Secretary State's position, to the House of Commons Levelling Up, Housing and Communities Committee during its formal scrutiny of the Bill
- 5 *Planning for the Future*. Planning White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020. [www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future)
- 6 *Compulsory Purchase – Compensation Reforms: Consultation*. Department for Levelling Up, Housing and Communities, Jun. 2022. [www.gov.uk/government/consultations/compulsory-purchase-compensation-reforms-consultation/compulsory-purchase-compensation-reforms-consultation](http://www.gov.uk/government/consultations/compulsory-purchase-compensation-reforms-consultation/compulsory-purchase-compensation-reforms-consultation)

# short-term politics or long-term strategy?

**Janice Morphet** examines some key planning and wider public policy questions arising from the scope of—and frequent lack of detail in—the Levelling-up and Regeneration Bill

While the principle of ‘levelling up’ was a core component of the 2019 Conservative Party general election manifesto, there seems to be little commitment to its future from the candidates that, at the time of writing, have been vying to take over Boris Johnson’s role as Prime Minister. However, the Levelling-up and Regeneration Bill (LURB) remains in the House of Commons after being introduced in May 2022, soon after the publication of the Levelling-Up White Paper (LUWP)—defying the convention that, while White Papers are statements of government policy, they should have a period of examination and discussion before moving to legislative proposals.

The LURB is long in content and frequently short on detail, leaving ‘placeholders’ rather than clear statements of legal intention (on ‘street votes’ on proposed development, for example). This leaves the way open for the government to follow through with later consultations—but also to fill in these gaps through secondary legislation which will have little or no parliamentary scrutiny. This is not the case for all aspects of the LURB, as the early consultation on compensation for Compulsory Purchase Orders demonstrated.<sup>1</sup> However, overall, this means that many responsible for planning and regeneration issues are left attempting to second-guess the government’s direction of travel. There are also some large areas of planning legislation that require urgent post-Brexit reform to replace EU regulations, such as the Planning Act 2008, and these areas are not fully addressed.

In considering the LURB there are, therefore, a number of questions about its scope and style that need to be considered before speculating on the

possible detailed implications of the current, more general content. The first question is whether any or all of the LURB will be implemented. If the new Prime Minister continues with the Bill, then, in practice, the lack of clarity on its legal proposals may delay the Bill as it goes through Parliament and attract more attention from the House of Commons Public Bill Committee.<sup>2</sup>

The LURB is likely to become law in 2023, one year before a general election, assuming one is not called earlier. Part 3 of the LURB includes a range of proposed planning reforms, including those on the role of the Local Plan in determining planning applications, the introduction of ‘national development management policies’ (NMDPs), and the removal of the negotiated elements of developers’ contributions through Section 106 agreements—to be replaced by a fixed Infrastructure Levy. However, the latter reform does not extend to the largest development proposals, and so is unlikely to assuage community fears over, and objections to, new housing.

As planning has been an issue of particular concern for the Conservative government in its Southern England heartlands, there is a possibility that any proposed changes in the Local Plan system will be delayed until after the general election, lest they cause uncertainty among this core Tory electorate. These uncertainties may also attract concerns and opposition from MPs who are seeking to safeguard their majorities. The Chesham and Amersham by-election in 2021, where a large government majority was overturned, with the loss of a safe Conservative seat, led to the demise of the Planning White Paper. Furthermore, if there is a change of government following a general election,





**It remains to be seen just how much of the LURB will be implemented—but beyond that it is far from clear that it will provide the long-term strategy for the levelling up and regeneration that the country needs**

many of the LURB provisions will remain to be fleshed out in detail, which may allow an incoming government to use secondary legislation in ways other than those currently intended.

The second question to be considered is the legal role and influence of the levelling-up ‘missions’ in Part 1 of the LURB. Twelve missions were set out in the LUWP, described as ‘an anchor for policy across government’,<sup>3</sup> and have a major role in determining the way that the rest of the Bill will be implemented. The announcement by the then Secretary of State for Levelling Up, Housing and Communities, Michael Gove, that he intended to create an Office of Local Government to monitor and measure local authority performance of these missions<sup>4</sup> reinforces the role that it is intended they will have, once they are included within legislation.

This also suggests the return of a body like the Audit Commission, which was shut down in 2015—which indicates the extent to which the current government wishes to hold local government to central government priorities. This is a centralising approach similar to that seen in the ‘devolution deals’, where decisions on local projects are taken in Whitehall.

The LUWP indicates that the government intends that local authorities should have health and social care as their main area of public policy choice, although these too are heavily centralised. None of the missions set out in the LUWP include a specific reference to planning and are more focused on the economy and wellbeing. The transport infrastructure and connectivity mission, for example, will have clear implications for Local Plan site selection and urban intensification if the model provided for

standards of transport communication that are to be achieved is that of London.

The third issue is the role of the LURB in respect of the UK as a whole, rather than just for England. The extent of the government’s levelling-up policy reach is made clear in the foreword of the LUWP and continues throughout, although its potential implications here have frequently been overlooked by commentators. As the LUWP states, the six types of capital it identifies—‘physical, human, intangible, financial, social and institutional—straddle areas of responsibility and tiers of government across the UK’,<sup>5</sup> and the White Paper suggests that only action on behalf of the UK Government can bring together benefits for the whole state. As the LUWP states:

*‘Devolution settlements in Scotland, Wales and Northern Ireland recognise that devolved governments are best placed to deliver certain services, like health and education. But outcomes are a shared interest for the whole of the UK. Our broad UK-wide tax base already funds public services across the UK, ensuring for example that the NHS can deliver for people whether in Scotland, Wales, England or Northern Ireland.’<sup>6</sup>*

The effect of the role of the capitals, missions and associated programmes becoming UK-wide is that the devolved nations will be left in a position which would be much the same as that before devolution in 1999. This approach to reducing the practical application of devolution by the UK Government has been occurring since 2014, and has accelerated post-Brexit through the use of deals for parts of the devolved territory,<sup>7</sup> the removal of powers through

the European Union (Withdrawal Act) 2018, and the United Kingdom Internal Market Act 2020. The failure to apply the Sewel Convention on legislative consent<sup>8</sup> and the removal of devolved budgets to support the UK's donations to Ukraine<sup>9</sup> also point in the same direction. Will this UK-wide intention lead to political and legal contention and delay the implementation of some structuring aspects of the LURB?

The last issue to consider here is the extent to which the planning proposals in Part 3 of the LURB work with the current commitments of the Department for Environment, Food and Rural Affairs (Defra), including the creation of a land use framework for England, as set out in the Food Strategy 2022.<sup>10</sup>

## **'It is not clear how the proposed reforms might respond to any future national strategies for the economy and achieving net zero, which would require an assessment of priorities for investment in infrastructure, housing, and social policies'**

The international agreement to implement the UN's Sustainable Development Goals (SDGs), signed by the UK in 2015 included a commitment to prepare a national land use plan under the *New Urban Agenda*, which supports the implementation of SDG11: Sustainable Cities and Communities.<sup>11</sup> Initially the government's policy response to meeting the commitments made in reaction to the SDGs was to assume that they applied to other countries rather than the UK, giving the responsibility to the Department for International Development and then, only later, switching the lead to the Department for Business, Energy and Industrial Strategy in 2020.<sup>12</sup> However, Defra is committed to publish a land use framework to achieve national objectives for English agriculture, the environment and net zero in 2023, which is said to be in response to a House of Lords special inquiry into land use in England,<sup>13</sup> although this has not yet reported.

The LURB leaves many issues unresolved, both for planning and for wider public policy with a spatial dimension. It is not clear how the proposed reforms might respond to any future national strategies for the economy and achieving net zero, which would require an assessment of priorities for investment in infrastructure, housing, and social policies. Rather, the approaches offered suggest short-term government initiatives to support

day-to-day political interests, rather than the long-term strategy for the levelling up and regeneration that the country needs.

● **Janice Morphet** is Visiting Professor in the Bartlett School of Planning, University College London. The views expressed are personal.

### **Notes**

- 1 *Compulsory Purchase – Compensation Reforms: Consultation*. Department for Levelling Up, Housing and Communities, Jun. 2022. [www.gov.uk/government/consultations/compulsory-purchase-compensation-reforms-consultation](https://www.gov.uk/government/consultations/compulsory-purchase-compensation-reforms-consultation)
- 2 See 'Call for written evidence: Levelling-up and Regeneration Bill'. Webpage. Public Bill Committee. House of Commons, Jun. 2022. [www.parliament.uk/business/news/2022/june/call-for-written-evidence-levelling-up-and-regeneration-bill/](https://www.parliament.uk/business/news/2022/june/call-for-written-evidence-levelling-up-and-regeneration-bill/)
- 3 *Levelling-up and Regeneration Bill: Explanatory Notes*. House of Commons, May 2022, p.7. <https://publications.parliament.uk/pa/bills/cbill/58-03/0006/en/220006en.pdf>
- 4 'Speech by Secretary of State Michael Gove MP at the Local Government Association's Annual Conference 2022'. Department for Levelling Up, Housing and Communities, 28 Jun. 2022. [www.gov.uk/government/speeches/local-government-association-annual-conference-2022-secretary-of-states-speech](https://www.gov.uk/government/speeches/local-government-association-annual-conference-2022-secretary-of-states-speech)
- 5 *Levelling Up the United Kingdom*. White Paper. CP 604. HM Government, Feb. 2022, p.xix. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1052708/Levelling\\_up\\_the\\_UK\\_white\\_paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052708/Levelling_up_the_UK_white_paper.pdf)
- 6 *Levelling Up the United Kingdom* (see note 5), p.xx
- 7 J Morphet: *The Impact of COVID-19 on Devolution: Recentralising the British State Beyond Brexit?* Policy Press, 2021
- 8 See N McEwen: 'Irreconcilable sovereignties? Brexit and Scottish self-government'. *Territory, Politics, Governance*, published online 4 Apr. 2022. [www.tandfonline.com/doi/full/10.1080/21622671.2022.2044898](https://www.tandfonline.com/doi/full/10.1080/21622671.2022.2044898); and R Masterman: 'Brexit and the United Kingdom's devolutionary constitution'. *Global Policy*, 2022, Vol. 13(S2), 58–68
- 9 "Not right": UK Government dips into Welsh and Scottish budgets for £1 bn Ukraine military aid'. *Nation.Cymru*, 29 Jun. 2022. <https://nation.cymru/news/not-right-uk-government-dips-into-welsh-and-scottish-budgets-for-1bn-ukraine-military-aid/>
- 10 *Government Food Strategy*. Policy Paper. Department for Environment, Food and Rural Affairs, Jun. 2022. [www.gov.uk/government/publications/government-food-strategy/government-food-strategy](https://www.gov.uk/government/publications/government-food-strategy/government-food-strategy)
- 11 J Morphet: 'A commentary on Bruce Stiftel's 'Planners and the New Urban Agenda: will we lead the agenda, or will the agenda lead us?'. *Town Planning Review*, 2021, Vol. 92(6), 687–92
- 12 *Implementing the Sustainable Development Goals*. Cabinet Office/Department for International Development/Foreign, Commonwealth and Development Office, updated Jul. 2021. [www.gov.uk/government/publications/implementing-the-sustainable-development-goals/implementing-the-sustainable-development-goals-2](https://www.gov.uk/government/publications/implementing-the-sustainable-development-goals/implementing-the-sustainable-development-goals-2)
- 13 See the House of Lords Land Use in England Committee webpage, at <https://committees.parliament.uk/committee/583/land-use-in-england-committee>

# testing the bill's planning measures

Despite all the measures set out in the Levelling-up and Regeneration Bill, the fear remains that we will continue to be obsessed with system outputs and processes, says **Karl Roberts**

The Levelling-up and Regeneration Bill has now been with us for some weeks, and many commentators have had an opportunity to have their say on its pros and cons. This article is therefore a personal take on some of the issues that have been identified to date.

Perhaps the stand-out item, given the title of the Bill, is that the opportunity to create a national spatial planning framework has not been taken. The challenge of meeting the government's stated objective of delivering over 300,000 homes per annum is always going to be difficult if decisions are left to a myriad of local authorities up and down the country applying the current policy framework through their own contextual lens—and neither does this approach help to shift investment to places where it is most required. There is a clear need for a 'larger than local' approach not just to address the distribution of future housing, but to do so in a holistic way with major employment growth and infrastructure provision. Whisper it quietly, but a return to the creation of New Towns is long overdue. The current collection of 'garden towns and villages' is helpful, but not in itself sufficient.

If a national spatial planning framework were in place, it would be easier to envisage local authorities coming together to develop sub-regional strategies in order to deliver their share of the overall national requirement. Mandating such a strategic level of planning would be a very positive step forward in helping to address the many difficult issues that individual or even groups of local authorities face.

One new initiative set out in the Bill that could generally merit support is the idea of creating 'national development management policies' (NDMPs). Do we really need 300-plus slightly different statements on how to address development that might impact the historic environment or support sustainable travel? However, such national policies should be set only as the default position, so that those

authorities who want to use them can, and those who feel that there is something unique about their area, requiring a bespoke version, can make their case at examination as to why. The government should not prohibit local equivalents—going from one extreme to the other runs the risk of genuinely local issues being glossed over.

The Bill proposes the introduction of NDMPs into the existing legal framework, such that regard must be taken not just of the development plan but also of the NDMPs, and any determination of a planning application should be in accordance with both unless material considerations strongly indicate otherwise. Note the addition of the word 'strongly'—this is likely to have a profound effect on many aspects of how planning decisions are made, and will ultimately be tested in the courts very quickly.

In seeking to raise the bar for material considerations to justify a determination apparently at odds with the development plan or the new NDMPs, there is a significant risk that the fine balance that we are all so used to applying will be lost and planning decisions will become much more binary. Some may say that this would not be a bad thing, but I would argue that one should be careful of what one wishes for. We can all think of cases in which there was a well crafted argument for a development to be supported based on the notion that material considerations indicated the grant of planning permission. If the requirement is now for these same material considerations to indicate this 'strongly', how many of these developments would pass the test?

Development plans can never address every single scenario, and neither should they try to do so, lest we end up with multi-volume plans. Over time, the natural response is likely to be to broaden the scope of individual plan policies to be more accommodating—if not, the outcome might be a kind of zoning by the back door, with fewer 'non-planned' schemes.

A further question is how the government will arrive at the NDMPs. Presumably, they will exist as some form of adjunct to the updated National Planning Policy Framework (NPPF). But this raises all sorts of questions regarding public consultation and the ability of the government of the day to change them as and when they see fit. And it will be interesting to see how permissive (or not) the government intends to be in drafting such policies. With all this uncertainty, it is perhaps understandable that local authorities might for the time being adopt more cautious timetables for the delivery of new Local Plans: nobody wants to have their plan as the last of an old system; much better to be the first of the new approach.

Beyond the NDMPs, it is disappointing that the Bill has not taken the opportunity to facilitate the option of hybrid or even remote planning committee meetings. As I write this piece, Covid is on the rise again, and clearly all councils will be mindful of what physical steps they can take to reduce the risk to participants and observers. Having the option of hybrid or remote meetings is clearly one way to manage the risks.

## **'A litmus test in gauging whether the Bill's measures are a success is whether they genuinely encourage the public to become more involved in shaping the future of their area, and whether their voices have power'**

It is also interesting to note the proposed measures to address concerns over build-out rates, including the introduction of commencement notices and reforms to the use of completion notices. Personally, I am not sure of the value of these measures: my own experience is that developments are generally not slow to be built out once commenced, and neither do I particularly see homebuilders sitting on permissions unnecessarily. One of the biggest challenges is that land has become a much more important trading commodity, given the values involved. Each additional change of ownership and all the necessary due diligence work inevitably brings about some element of delay to the process of delivery. We all need to understand the timelines better and factor them into our plans. Some of the recent work by various planning consultancies is helpful in understanding this at a national level, and we need to apply the same kind of understanding locally.

An interesting idea contained within the Bill is the idea of replacing the current use of Section 106 obligations and the Community Infrastructure Levy

(CIL) with a new Infrastructure Levy. At face value, this seems to be a welcome proposal, but the intention is that the Levy will be charged on the value of property when it is sold. Thus, while potentially there is an opportunity for the Levy to be more responsive to the cost of development and give local authorities the ability to secure a greater share in the uplift in development land values, it appears that, effectively, the Levy will not be paid until the homes are occupied—which begs the question of how and when the infrastructure that residents of new developments will expect to be in place when they move in will be delivered. In reality, will this new system continue to sit alongside planning obligations and just replace CIL?

Whatever reformed planning system emerges, it needs to be much simpler than that currently in place. I suspect most practitioners would support the view that changes to the planning system over the last 20 years have created a less than colourful degree of complexity—and that even practitioners sometimes struggle to understand what all the legislation and guidance means and how it should work. And if that is so, what hope does the public have? Some might doubt how much this latter point matters, but I am certain that it does. We need a system in which it is possible, for example, for a planner to be able to explain to friends and family what exactly it is they do and how they do it without boring them.

The simple ideal of creating great places for present and future generations has in many ways become lost behind concepts such as the 'duty to co-operate' and tests of soundness and the joys (or not) of a five-year housing supply and the Housing Delivery Test. A litmus test in gauging whether the Bill's measures are a success is whether they genuinely encourage the public to become more involved in shaping the future of their area, and whether their voices have power; or will public engagement and involvement simply be a symbolic doorway to pass through on a journey to somewhere else?

The key question remains: will the Bill deliver the changes that so many of us involved in the world of planning believe are necessary to create a system that will deliver high-quality place-making everywhere, and not just in a few isolated and celebrated locations? There are many who call for the role of a chief place-maker to be a statutory post at a senior level within each local authority—achieving this would certainly be a positive step forward. There remains a tangible fear that, rather than delivering quality outcomes, we will continue to be obsessed with system outputs and processes—but they are a means to an end: they must not be the end itself.

● **Karl Roberts** is Director of Growth at Arun District Council. The views expressed are personal and do not necessarily reflect those of his employer.



# extending the right to buy—

## a questionable policy choice in a housing crisis

The proposal to give housing association tenants the right to buy their homes is not only widely unpopular but raises more questions than it answers, says CIH Policy Adviser **John Perry**

The now former Prime Minister's plan to give housing association tenants the right to buy their homes re-opens a can of worms that the sector hoped had been dispensed with seven years ago. For a start, unlike local councils, housing associations are private bodies (and in many cases charitable organisations) that cannot be forced to sell their properties. So, if the proposal survives the change of Prime Minister how would it be put into effect?

Boris Johnson subsequently promised to collaborate with housing associations in implementing the scheme, but given that the housing crisis is now even greater than it was seven years ago, this will be a difficult task. The former Secretary of State for Levelling Up, Housing and Communities, Michael Gove, assured the House of Commons Levelling Up, Housing and Communities Committee that housing associations would be 'seduced' into co-operating.<sup>1</sup> He said that he did not 'anticipate' or 'contemplate' their grant funding being cut as a possible sanction.

A report from the Centre for Policy Studies (CPS), *The Right to Own*,<sup>2</sup> published to coincide with the scheme's announcement, suggests the government could use its powers over rent-setting to coerce associations to sell their homes. However, the CPS undermines its case by seemingly misunderstanding how associations obtained their houses, saying that they were 'handed to them for free in the first place'. Using the rent-setting powers would, in any case, be highly controversial, especially if it led to cuts in repair services for housing association tenants.

The most unpalatable part of the can of worms is, inevitably, the cost. Mr Johnson suggested that housing association tenants would receive similar discounts to those who are tenants of local authorities, where (depending on their tenancies) they can get up to 70%, or a maximum of £116,200 in London, off the price of the house. Housing associations will have to be compensated for these discounts, which were estimated by CIH in 2015 to amount to a possible £2 billion annually, depending of course on the scheme's take-up.

Where will this money come from? Originally, the cost was to be met by enforcing the sale of high-value council houses, a proposal even less popular in the sector than the new right to buy itself. Inevitably, this opened a fresh can of worms, given that the highest-value properties are invariably in the areas with most demand for them. The complication—and unlikelihood—of replacing not just the first home sold but the second one, too, discredited the scheme from the start, and it was eventually dropped.

The CPS report makes much of the fact that extending the right to buy has been promised in Conservative election manifestos, including the most recent one. Until now, only a pilot scheme in the West Midlands had resulted from these commitments. This was generally judged to be only a limited success, as take-up was less than two-thirds of the level hoped for. 1,839 homes had been sold by last September, and only a quarter so far replaced. Discounts have averaged about

£65,000 per property. To put this in perspective, the government is currently spending about £2.5 billion annually on building new affordable homes: if the same sum were set aside for discounts, it would only enable some 40,000 tenants to buy their homes each year.

Michael Gove assured the Levelling Up, Housing and Communities Select Committee that the money for discounts would not come from affordable housing investment, but would instead come from 'across government'. But this raises more questions than it answers. What happens if sales are committed and then it turns out that the money cannot be trimmed from other departmental budgets, or that Ministers are refusing to part with the cash? Or will the scheme be rationed to such a degree that in practice the sums involved are marginal?

Another obvious question is whether this is the best way to spend significant sums of money. In effect, each lucky tenant—who already has a perfectly good home—is receiving a massive subsidy to become its owner, at the expense of a home for a would-be tenant who is currently homeless or living in insecure and possibly poor-quality private rented accommodation. There are over 1 million households on waiting lists for social housing, with over 120,000 children living in temporary accommodation. The cost of an average discount, if used instead as grant, would almost be enough to build a *new* affordable home, having a much bigger and longer-term impact than spending it on right to buy.

The question mark over value for money becomes bigger when you take account of another government proposal, which is to enable tenants on benefits to use their benefit money as income to pay a mortgage. In effect, an even luckier tenant would get both a capital and a revenue subsidy from the state, to become the proud owner of the house they already live in. But most people on benefits are already struggling to make ends meet, so it is questionable whether they will want to take on the financial responsibility of home-ownership, particularly at a time of rising inflation. At present they have a secure tenancy and their maintenance costs are met from rents; will they really want to make mortgage repayments and pay repair bills? Is it a good idea to encourage them to take on even bigger financial responsibilities, when by definition their incomes are below average?

In the middle of not just a housing crisis but a cost-of-living one too, we must ask why the government is so keen to open these cans of rather unappetising worms. One clue is given by the CPS report, whose author, Alex Morton, has long campaigned for social housing to be cut back, and who is distrustful of both local authorities and housing associations. The scheme is clearly intended to appeal to the 'small state' section of the Conservative Party, who would prefer the social sector to decline rather than grow.

However, we might surmise that another attraction is that it could help to turn around the recent decline in home-ownership, which has fallen from almost 70% in 2001 to just 64% now. Even if the scheme does have a modest impact on these percentages it is only likely to be partially effective; as Professor Alan Murie, writing in the CIH's *UK Housing Review 2022*,<sup>3</sup> showed, around 40% of right to buy properties end up in the hands of private landlords when they are later re-sold.

To allay fears in the sector and placate critics of the scheme, the government has enthusiastically promised that the homes sold will be replaced, although it is less clear if the replacements will be like-for-like. Michael Gove also promised that this will not be done at the cost of the current Affordable Homes Programme. But there is no new Treasury money for this element of the scheme either (unlike with the West Midlands pilot), so where will the funds come from that might be needed to cover the gap between the money an association receives when it sells a house, and the cost of building its replacement?

With the funding for the extended right to buy so unclear, there is real fear that the 'high-value sales' scheme might be resuscitated. Given how unpopular it was seven years ago, and that waiting lists and the use of temporary accommodation, and even of hotels and bedsits, have dramatically increased since then, it is hardly likely to be welcomed now.

The vagueness of the plans has caused some to be dismissive. Writing in *Inside Housing*, shortly after the proposal was announced,<sup>4</sup> Jules Birch's verdict was that this was all about 'a lame duck prime minister having something catchy to announce regardless of how—or even if—it will work out in practice'. If he's to be proved wrong, much more work is needed on this proposal, preferably in partnership with social landlords, before it goes any further.

● **John Perry** is Policy Adviser at the Chartered Institute of Housing. The views expressed are personal.

## Notes

- 1 J Simpson: 'Housing associations to be 'seduced' into accepting Right to Buy extension plan'. *Inside Housing*, 14 Jun. 2022. [www.insidehousing.co.uk/news/news/housing-associations-to-be-seduced-into-accepting-right-to-buy-extension-plan-76075](http://www.insidehousing.co.uk/news/news/housing-associations-to-be-seduced-into-accepting-right-to-buy-extension-plan-76075)
- 2 A Morton: *The Right to Own*. Centre for Policy Studies, Jun. 2022. <https://cps.org.uk/research/right-to-own/>
- 3 M Stephens, J Perry, P Williams and G Young (Eds): *UK Housing Review 2022*. Chartered Institute of Housing, Mar. 2022. [www.cih.org/bookshop/uk-housing-review-2022](http://www.cih.org/bookshop/uk-housing-review-2022)
- 4 J Birch: 'Will the half-baked Right to Buy extension ever be implemented?'. *Inside Housing*, 10 Jun. 2022. [www.insidehousing.co.uk/comment/comment/will-the-half-baked-right-to-buy-extension-ever-be-implemented-76039](http://www.insidehousing.co.uk/comment/comment/will-the-half-baked-right-to-buy-extension-ever-be-implemented-76039)

# 'localism' and the varied practices of community activism

Programmes to support local initiative and participation must recognise the social, economic and environmental particulars of individual localities — and this calls for experimentation and learning from local experience and a wider re-think of the relationship between government and civil society, says **Patsy Healey**



Jim Bird

**Wooler in rural North Northumberland — a small town with an activist tradition**

So once again politicians of many shades are calling for more 'localism' and community involvement in public policy, as Sue Brownill helpfully summarises in a recent article in this journal.<sup>1</sup> As she explains, this revival expresses a long-standing ambition to draw 'people' and 'communities' directly into

shaping how government policies are designed and delivered. One factor behind the revival is a search not just for more relevant and responsive ways to meet people's concerns, but for ways to repair the serious lack of trust between citizens and formal government.



**The community energy that has produced Wooler's capacity for self-government is both specific to its circumstances and vulnerable to external events and influence**

Sue Brownill urges those trying to mould English legislation not just to keep an attentive eye on the 'practical and democratic details' which might expand the possibility for deeper citizen engagement in what is done in their name, but also to ensure that the values of equity and social justice are not lost as initiatives are rolled out. The legislation she has in mind is that which affects the shaping of place futures. This includes the planning system, but many other sectors of formal government are involved too. More broadly, such an agenda is also about how government relates to the people of the political community it claims to represent.

In what follows, I reflect on what such practical and democratic details might involve, drawing on my experience of a decade and more of deep immersion in community development activism in the locality where I live.

Many in our 'community' have been busy over the years in various projects which seek to shape our collective future. My locality is in deeply rural North Northumberland, with an activist tradition which has been nationally recognised in comments such as those of Peter Hetherington in this journal: *'Straddling the winding A697 into Scotland from England, the small border town of Wooler could easily have followed countless other places in a familiar spiral of decline—seemingly left behind, ignored by decision-makers and starved of essential services as big cities powered ahead, leaving others struggling to survive. [Instead Wooler has] defied the odds through local endeavour.'*<sup>2</sup>

Our locality might seem to have acquired a self-governing capacity, much emphasised in earlier 'localist' programmes.<sup>3</sup> And indeed such programmes have provided some of the resources for our various initiatives. These in turn have generated considerable public value.<sup>4</sup> But these achievements, and the community energy which has produced them, are both unique to our particular circumstances and a fragile accomplishment, vulnerable to external circumstances and internal tensions. In this, we are like many other localities where groups of people come together to enhance local life experience. It is this diversity and fragility which needs to be understood when designing and delivering government programmes to support local initiative. Such programmes need to recognise the situated specificity of the social, economic, environmental and political dynamics of local life.

My experience has made me very aware of the fine-grained complexity of our particular social dynamics.<sup>5</sup> Many people often talk of 'our community' and of its qualities; the many ways we 'work together' to do things which others appreciate. Yet we live in an area in the throes of a major social and economic transition. Once an economy dominated by large lowland farms and upland hill sheep farms, tourism opportunities are now more dominant, supplemented by many more people working from home online in various ways. Once people imagined that they knew who was who and what everyone did; now there are multiple groups and networks doing many different things, often unaware of, or bumping uncomfortably against, each other. Some people



end up very isolated, maybe from choice, but often through lack of any social network connecting them to others.

So as a collection of people, we should perhaps be understood not as 'a community' but as an amorphous mosaic of overlapping groupings. Despite this multiplicity, most people have a very strong attachment to the 'place' of the area, whether 'born and bred' or newly arrived. This place attachment too carries different meanings and, so far, there is no accepted common platform where these different meanings and feelings can be identified, debated, and presented to others.

Although there are parish councils in the area, and a well regarded local development trust, there are other arenas in which people organise new initiatives and discuss future possibilities, some long established and some very recently formed and transitory. Maintaining connections between these diverse arenas is always hard work. People outside the groupings which cluster around an arena often wonder what it does and how to reach it. Thus the agency of community is distributed within multiple networks and arenas where 'community voices' are articulated and many different ideas are put forward on what should be done and whose concerns should be prioritised. For agencies seeking to 'engage communities' in their work, finding 'the community' to work with in situations such as ours is not straightforward.

## **'The agency of community is distributed within multiple networks and arenas where 'community voices' are articulated and many different ideas are put forward on what should be done and whose concerns should be prioritised'**

From the reverse perspective, community activists find the array of formal government agencies and procedures confusing and sometimes conflicting. It is very difficult for people to track down how one bit of England's over-centralised, fragmented and continually changing government system relates to another, and where decision-making about key services, regulatory requirements and resource flows actually lies. Only some people in our locality are skilled in navigating through such difficulties and barriers to access support. It also requires insight and knowledge to prevent a government requirement distorting what a community group seeks to achieve. In this situation, it is all too easy for some people's activities and voices to drown out those less vocal

or less able to articulate their concerns. As a result, 'self-organising' in local communities does not necessarily lead to inclusive and 'socially just' outcomes, let alone environmentally sustainable ones.

Our experience echoes many similar experiences in both urban and rural areas. People are often prepared to work together as groups of neighbours to 'do' and 'make' material and social opportunities to enrich local life. This energy is not just about picking up the pieces of apparently neglectful formal government, taking on responsibilities that it once undertook. It instead arises from the responsive creativity of people who know their locality intimately. It is such experiences that fuel the continual search for better ways in which citizen's views and activities can reach and interact with formal government and public policy—a search which has led both to repeated calls for more opportunities for 'public participation' practices and to the wider 'localist' agenda.

So far, government responses to these calls have achieved only marginal changes to how local activists relate to formal government. Government projects, and those of other charitable entities, drop into the flow of local life, create a burst of energy and interest, and ebb away again, often leaving little long-term impact. This is partly because, in recent years, such projects have been overshadowed by the steady decay and technological transformation of so many public services on which people used to rely.

As many now argue, the relationship between government and citizens is not likely to improve without more fundamental changes. It is not just a matter of adding more resources; it is also a matter of, first, our constitutional settlement, particularly to give more tax-raising and regulatory power to sub-national levels of government and to enable citizens' voices to be heard more strongly in the design and delivery of government actions at all levels—the 'double-devolution' agenda. This necessary first step needs to be combined with a re-orientation of cultures of practice in government agencies, to put working with local communities at the heart of their activities, rather than compliance with nationally set performance criteria. Our experience in North Northumberland suggests that such a practice culture needs to embed within it at least the following:

- a respectful appreciation of people's attachment to their place of living, and the variety of ways in which this is experienced and expressed;
- a willingness to accept that groups of people in a locality have significant potential to shape local futures, but that these capacities evolve in locally specific ways;
- a locally specific grasp of the amount and variety of the 'self-organising' that goes on between neighbours, much of which is 'below the radar' of formal organisation;



**A business pod at the Cheviot Centre, a key community centre in the Wooler area**

- a recognition that this variety may generate several arenas and several voices 'speaking for' those who live in a particular locality;
- programmes which allow for the flexibility to experiment and innovate, respecting the spirit of formal rules and requirements while sometimes finding creative work-arounds;
- an awareness that such 'self-organising' can generate significant value in terms of social support and environmental care, enhancing shared place qualities; and
- an appreciation that there is no 'one-size-fits-all' approach to how this happens—every locale is unique in its history, geography, capacities, and future possibilities.

Promoting such a culture has implications for the design and management of public administration. In effect, it calls for a re-think of the relationship between government and civil society. This should emphasise supportive partnership, close to what is often called the grass-roots of daily life experience. For groups of people in a locality cannot take on making a contribution to future-shaping without significant inputs from formal government. What makes a big difference is that these inputs are made available in stable, understandable and accessible ways.

Achieving stability means replacing continual piecemeal reform, re-organisation and re-naming of agencies with slower and more sensitive ways of making changes to government structures and

practices. Making government understandable means that politicians and officials need to be able to explain the purpose of a policy and its mode of delivery in clear and simple ways when challenged. Being accessible means not just meeting freedom of information requirements, providing reams of website pages, and making sure that people can access a building—it means being out and about on the streets, meeting people, learning what goes on, and becoming a recognisable and friendly 'go-to' face. Digitalisation can achieve a lot, but online always needs to be combined with offline.<sup>6</sup>

This means that those in government should give much more priority to the 'street-level' staff—those who are out and about 'getting to know' and becoming a known person.<sup>7</sup> It takes time, and local involvement, to gain a sense of the multiplicity of views, of who speaks for whom and how people's thoughts about their place and shared futures change through time. Staff with a community development orientation can notice potential troubles before they become serious personal difficulties or angry encounters. They can keep an eye open for people whose voices and concerns may be silenced by more assertive neighbours.

Such a re-orientation also means that the knowledge accumulated by such street-level staff should be valued as a critical ingredient of the overall knowledge which informs public policy-making, filtering into the technical knowledge provided by professions and the political ambitions of those who seek to shape policy agendas. As

Hilary Cottam argues,<sup>8</sup> investing in such frontline staff may in the end save resources through interventions which avoid problems escalating into acute crises. It also suggests that, in re-thinking our constitutional settlement, it is not enough to give more power and resources to existing local governments, which are themselves much larger units than they once were. In England, local authorities need to give more attention to neighbourhood-level arenas, as some already do and as calls for more 'neighbourhood planning' emphasise. In rural areas, this implies re-thinking the pattern of parish councils, some of which have no organisational presence at all.<sup>9</sup> Perhaps something at the scale of the Scottish Community Councils would be worth thinking about.

This still leaves open the difficult question which Sue Brownill raises about how to address issues of spatial justice and equity, to which should be added the multiple agendas wrapped up in concerns about environmental sustainability and climate change. There will always be tensions about which values should take precedence in any specific situation, and between the experience of a neighbourhood or small locality and the wider geography of which it is a part. Within a locality, people are not likely to agree on what should be given priority either.

## **'It is important to be clear where conflicts over values are resolved, and how these resolutions are expressed through flows of government resources and through regulatory practices'**

If there is an ambition in reforming government agencies and practices to create a more sensitive and supportive way of combining formal government with citizen activism, then it is important to be clear where conflicts over values are resolved, and how these resolutions are expressed through flows of government resources and through regulatory practices. No locality can cut itself off from responsibilities to others elsewhere. When translated into government programmes, the values of equity, social justice and environmental sustainability—so important for how our wider regional, national and international worlds go forward into the future—cannot avoid resulting in limitations imposed through regulations, incentives and taxation measures which constrain what people locally can do. If these are just experienced as a remote statement that 'government says no', with no explanation as to why, then little will change in citizens' trust in government.

The continual revival of 'localism' as a political agenda is not so much about encouraging government agencies to reach 'down' and 'out' into localities in more collaborative ways. Rather, it is one strand in a search for ways to re-invent what democracy means in a country such as England. This is perhaps why achieving 'localist' agendas is so hard and seems never to happen. What is important is to continue to experiment, learn from all kinds of experiences of local initiative and how they interface, or not, with formal government practices, and use this knowledge when designing changes, not just to the planning system, but to the organisation and practice of how we do government in this country.

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### **Notes**

- 1 S Brownill: 'Localism is dead — long live localism'. *Town & Country Planning*, 2021, Vol. 90, Nov/Dec., 364–67
- 2 P Hetherington: 'Inclusive England — regions for all'. *Town & Country Planning*, 2019, Vol. 88, Jun., 217–19
- 3 For a general review of conceptions of 'localism', see S Davoudi and A Madanipour (Eds): *Reconsidering Localism*. Routledge, 2015
- 4 I define public value as what a 'public', a community of citizens in some form, has come to 'care about' collectively and seeks to produce and sustain as benefits, qualities, and resources available to them — see Chapter 8 of my new book, *Caring for Place: Community Development in Rural England* (Routledge, 2022)
- 5 This experience forms the basis of my book cited in note 4
- 6 This is becoming increasingly clear in research on the relationship between community activism and digitalisation — see, for example, recent research by Newcastle University's Open Lab, *Making Community: Lessons Learned from Researching Digital Technologies* (2022); and Alexander Wilson and Mark Tewdwr-Jones' new book, *Digital Participatory Planning: Citizen Engagement, Democracy and Design* (Routledge, 2022)
- 7 In some situations, politicians play this role very effectively, but often they do not
- 8 H Cottam: *Radical Help: How We Can Remake the Relationships between Us and Revolutionise the Welfare State*. Virago, 2018
- 9 Parishes in Northumberland can have fewer than 100 people, and some have no parish council. Many residents are unaware of which parish they are actually in

# planning, in a corner

**Andrew Coleman** offers personal reflections on the planning and environmental challenges found in the far south west of Europe



Photos: Andrew Coleman

**Cabo de San Vicente (left) and Castelejo beach (right) in the south-west tip of Portugal**

Since my first visit in 1986, I have been drawn again and again to the far south-western corner of Portugal—the Western Algarve. The mixture of a wild and beautiful coastline, simple and delicious food, friendly people and consistent surf is a combination that is hard to beat in Europe. Over the years I have seen the physical infrastructure improve—largely because of Portugal's membership of the EU—and a huge increase in the number of tourists to the far west. Recently, I have started to ponder on how the planning system in Portugal is coping with some of the land use and environmental pressures that it is facing.

## **The place**

The municipality of Lagos is one of 308 in mainland Portugal and contains the principal town of Lagos and the tourist villages to the west, including Praia

da Luz. Even further west are the tourist villages of Salema and Burgau, and slightly inland is the small town of Vila do Bispo (which is the capital of another municipality) and Sagres, with its imposing fortress and lighthouse at the south-west tip of Europe. The area is steeped in the history of the 'Age of Discovery'—it was from here that the Portuguese explorers of the 14th century and after started exploring the coast of Africa and journeying round the Cape of Good Hope to India, kickstarting Portugal's era of colonialism that ended after the 1974 revolution swept away decades of right-wing dictatorship.

Lagos is a bustling town of around 25,000 permanent residents, but the remainder of the municipality is largely rural, and a large part of the southern and all of the western coastline is part of the Costa Vicentina National Park, sparsely developed





**Ruin under renovation near Vila do Bispo**

and largely covered by scrub, agriculture, and pockets of forest.

### **The planning system**

Established under its 1976 written constitution, Portugal has national, regional and local plans. The purpose of the planning law includes strengthening national cohesion, correcting regional differences ('levelling up'?), and ensuring equal opportunities. The national plan comprises a national strategy and 'sector' plans on issues such as agriculture, soils, and the coast. The national plan and all the sector plans are heavily influenced by EU Directives which UK planners will recall—such as the SEA Directive, the Habitats Directive, the Floods Directive, etc. Many of these sector policies and special plans are written by national agencies such as the Agência Portuguesa de Ambiental (APA—the Portuguese Environment Agency), which can exercise veto rights over development.

Regional plans<sup>1</sup> go into a little more detail on the overall spatial strategy, but most planning activity takes place at the municipality level. Inter-municipal plans are optional, but other local plans include a strategic municipal masterplan (PDM), which sets out the main constraints, settlement boundaries and strategic policies for the area, an urbanisation plan (PU) setting out development criteria, and a detailed plan (PP) for some specific areas.<sup>2</sup>

In reality, in this far corner of Europe there are few detailed policies for most of the rural settlements. A planning officer in one of the two municipalities told me that it is extremely difficult to get permission for a new home outside the settlement boundary defined in the PDM, unless there is a pre-existing building—or a ruin of one. The national agencies—who are consulted by the municipality when a building permit application is submitted—have a right of veto over development. Within settlement boundaries, it is easier to get permission if the



**Vegetation regenerating after a wildfire**

architect follows local requirements and custom—a friend who renovated a house in the Alentejo region to the north of the Algarve received a visit from the enforcement officer, who told him to change his chimney pot because it was out of character.

### **Climate challenges**

Some of the challenges facing this corner of Europe will be familiar to British rural planners, but climate change is exacerbating some of them to a different level. Portugal has suffered from wildfires for many years, and in 2017 64 people perished in central areas.<sup>3</sup> Wildfires are a common problem. While northern and central parts of Portugal are experiencing rural depopulation, pressures for properties in the south, and the apparent willingness of local authorities to allow the rebuilding of isolated 'ruins', are likely to increase exposure to wildfires. There has also been a reduction in agricultural use in this (a 32% reduction in land in agricultural use in Vila do Bispo between 1974 and 2001) and many other parts of the country, where re-wilding projects are now being implemented.<sup>4</sup>

Water shortages are expected to worsen, with an integrated water strategy to update the National Water Plan<sup>5</sup> currently being devised.<sup>6</sup> Furthermore, integration between the EU Water Framework Directive and land use planning remains problematic,<sup>7</sup> so it is likely that development pressures in areas of growth will increase water stress. Portugal's equivalent of the Environment Agency, the APA, produces plans (POCs) for integrated coastal zone management which are meant to promote an adaptive approach and control development within 500 metres of the coast, but they do not seem to translate into planning policies at municipal level, with research concluding that:

*'at the national level, the governance of the coast is too dependent on ill-coordinated interinstitutional relations, while at the local level coastal governance*

*is beholden to the immediate pressures of local economic interests and short electoral cycles.'*<sup>8</sup>

A 2017 research paper concluded that 'climate change in planning agendas is still 'little' or 'not important' ... Overall, there is a greater focus on mitigation than adaptation'.<sup>9</sup> In general, it was found that climate change was not a high priority for Portuguese municipalities, and few had dedicated departments or officers. A 2021 paper written by researchers at the University of Aveiro analysed the frequency of water-related terminology in municipal masterplans in upland and estuarine areas in Central Portugal and found that, although later plans had more references to water issues than earlier-adopted plans, there was a lack of consideration of drought and scarcity in all plans. The researchers observed that:

*'Although issues related to scarcity and floods are being dealt with by an increasing number of climate change plans at the local level, they need to be incorporated into the municipal master plans' regulations because it is these that translate them into land-use rules.'*<sup>7</sup>

However, the 2017 survey was completed before a national adaptation plan was revised, and the 2021 University of Aveiro paper related to PDMs adopted pre-2020. A detailed report on the potential for spatial planning to contribute to climate mitigation and adaptation in Lisbon and the surrounding area was published in 2019,<sup>10</sup> and its principles for mitigation and adaptation have been included in a 2020 national good practice guide for municipal plans.

These documents are the equivalent of the TCPA/ RTPi guidance for local authorities on planning for climate change and the English national Planning Practice Guidance. If adopted and implemented across the rest of the country, the 2020 good practice guide could increase resilience, and the 2021 University of Aveiro paper<sup>7</sup> offers an analytical methodology that could be adapted to measure the extent to which municipal masterplans include policies to mitigate and adapt to climate change.

My limited analysis of the Vila do Bispo PDM indicates that it does not include any policies aimed at mitigating or adapting to climate change. The much more comprehensive Lagos PDM has been revised to introduce protections to the beaches identified in the recent coastal management plan (POC), and it identifies water features and flood risk zones—but expensive development is nevertheless continuing in these latter areas.<sup>11</sup> The only other climate-specific threat acknowledged is that of desertification, primarily in the rural hinterland.

### **Housing affordability**

A significant and increasing problem in this and other parts of Portugal popular with foreign and domestic tourists and immigrants is the cost of housing.<sup>12</sup> While house prices have been rising by more than 8% per annum,<sup>13</sup> incomes remain relatively low, with a median net income (after income tax is deducted) of between €6,200 and €9,000 in Lagos and Vila do Bispo in 2019.<sup>14</sup>

Developers are not required to provide a proportion of new developments as 'affordable', nor to make a financial contribution for the construction



**New plots at Vila do Bispo**



Restrictions on wild camping are enforced by the GNR

of affordable homes. Instead, it is left to the local municipality to acquire land and build homes, and this has become a political issue locally, with parties vying to promise more social housing.

Rent increases have slowed during the Covid-19 pandemic—particularly in areas with a lot of tourist properties—but are likely to accelerate once international tourism accelerates again. Rent increases are linked to market value and have to be agreed between landlord and tenant. Short-term Airbnb-type rental properties have to be registered with the local municipality under the *Alojamento Local* scheme and are subject to licensing. This increases the potential for their numbers to be limited to protect both housing supply and hotels, and to control the impact on amenity,<sup>15</sup> and is similar to the schemes being introduced in Scotland<sup>16</sup> and Wales.<sup>17</sup>

Potential housing shortages for locals are acknowledged in the Lagos PDM, which identifies areas within the city and in surrounding villages as suitable for housing development. The Vila do Bispo PDM also identifies small areas around the town that are suitable for housing, and there are areas within the larger, but less densely developed town of Sagres that are potential development sites.

**Wild camping and tourism**

While new tourist development is more strictly controlled in the south west of Portugal than in resorts further east, the wilder west and south coasts have become increasingly popular destinations for motorhome owners and renters. Secluded bays and cliff-top car parks are attractive parking spots for overnight stays, taking in the view, and (often)



Local election poster in Lagos, promising more social housing

leaving waste. A local backlash has resulted in a ban on overnight camping outside designated camping grounds, enforced by the GNR (National Guard) and the national park authority through dawn raids and on-the-spot fines.

While some supermarkets provide designated motorhome parking spots, there is a shortage of official campsites, which reportedly get over-busy, thus destroying the reason why many people ‘hit the road’ in the first place. Some municipalities, including Lagos, are now planning to increase capacity for overnight stays, in conjunction with banning these huge boxes on wheels from certain roads that are difficult to navigate.<sup>18</sup>



## Conclusion

While there have been demonstrable improvements in recent decades in the physical infrastructure and the economic wealth in this once-remote part of Portugal, the forces of international capitalism, increased mobility and tourism are combining with the natural forces of climate change to present challenges for planners and municipal authorities which—at the moment—they seem ill-equipped to deal with.

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## Notes

- 1 The Regional Plan for the Algarve — dating from 2007 — can be found at <http://prot.ccdr-alg.pt/> (in Portuguese)
- 2 For a summary of the Portuguese planning system, see the ECTP-CEU webpage at <https://ectp-ceu.eu/members-2/full-members/portugal-apu/>. The 2008 Vila do Bispo planning documents (and amendments) are available from the Município Vila do Bispo website, at [www.cm-viladobispo.pt/pt/menu/67/planeamento-e-urbanismo.aspx](http://www.cm-viladobispo.pt/pt/menu/67/planeamento-e-urbanismo.aspx) (in Portuguese). The 2015 Lagos planning documents (and amendments including revisions to reflect the 2021 coastal management plan (POOC)) are available from the Câmara Municipal de Lagos website, at [www.cm-lagos.pt/areas-de-atuacao/urbanismo/planos-municipais-de-ordenamento-do-territorio](http://www.cm-lagos.pt/areas-de-atuacao/urbanismo/planos-municipais-de-ordenamento-do-territorio) (in Portuguese). An online portal is also available for the Lagos planning documents at <https://lagos.city-platform.com/app/?a=epl> (in Portuguese).
- 3 'Wildfires trap 2,000 people in town in central Portugal'. *The Guardian*, 17 Aug. 2017. [www.theguardian.com/world/2017/aug/17/wildfires-trap-2000-people-in-macao-village-in-central-portugal](http://www.theguardian.com/world/2017/aug/17/wildfires-trap-2000-people-in-macao-village-in-central-portugal)
- 4 See J Dykes: 'The Greater Côa Valley, where nature restoration is reinvigorating Portugal's fire-prone, depopulated interior'. *Geographical*, 13 Sept. 2021. <https://geographical.co.uk/nature/wildlife/item/4142-spotlight-on-the-greater-coa-valley-where-nature-restoration-is-reinvigorating-portugal-s-fire-prone-depopulated-interior>
- 5 'Plano Nacional da Água'. Webpage. Agência Portuguesa de Ambiental (APA). <https://apambiente.pt/agua/plano-nacional-da-agua> (in Portuguese)
- 6 'New Water Bill in debated Parliament'. *The Portugal News*, 19 Sept. 2021. [www.theportugalnews.com/news/2021-09-19/new-water-bill-debated-in-parliament/62467](http://www.theportugalnews.com/news/2021-09-19/new-water-bill-debated-in-parliament/62467)
- 7 C Rodrigues and T Fidelis: 'Distinctive features of spatial planning nearby estuaries — An exploratory analysis of water-related rules in municipal master plans in Portugal'. *Estuarine, Coastal & Shelf Science*, 2021, Vol. 255. 107352. [www.sciencedirect.com/science/article/pii/S0272771421002055?via%3Dihub](https://www.sciencedirect.com/science/article/pii/S0272771421002055?via%3Dihub)
- 8 L Schmidt, P Prista, T Saraiva, et al.: 'Adapting governance for coastal change in Portugal'. *Land Use Policy*, 2013, Vol. 31, 314–25
- 9 I Campos, J Guerra, J Ferreira Gomes, et al.: 'Understanding climate change policy and action in Portuguese municipalities: A survey'. *Land Use Policy*, 2017, Vol. 62, 68–78
- 10 See the European Commission/European Environment Agency's Climate ADAPT 'National circumstances relevant to adaptation actions — Portugal' webpage, at <https://climate-adapt.eea.europa.eu/countries-regions/countries/portugal> — and, specifically, *O Ordenamento do Território na Resposta às Alterações Climáticas Contributo para os PDM [Spatial Planning in Response to Climate Change: Contribution to PDMs]*. Comissão de Coordenação e Desenvolvimento Regional de Lisboa e Vale do Tejo, May, 2019. [www.ccdr-lvt.pt/files/e85da0b52d3e72c3a6aa739bf8b8fc997d87f83c.pdf](http://www.ccdr-lvt.pt/files/e85da0b52d3e72c3a6aa739bf8b8fc997d87f83c.pdf) (in Portuguese); and *PDM GO — Best Practice for Municipal Master Plans*. National Territory Commission, Portugal, Dec. 2020. [www.dgterritorio.gov.pt/PDM-GO-Boas-Praticas-para-os-Planos-Diretores-Municipais?language=en](http://www.dgterritorio.gov.pt/PDM-GO-Boas-Praticas-para-os-Planos-Diretores-Municipais?language=en)
- 11 At the time of writing, three-bedroom apartments in a new development in the floodplain in Lagos are being offered at €1.15 million — see [www.idealhomesportugal.com/property/apartment-in-algarve-idh32276-lagos-79/79](http://www.idealhomesportugal.com/property/apartment-in-algarve-idh32276-lagos-79/79)
- 12 For an account of the particular combination of factors exacerbating the housing crisis in Lisbon, see B Ramalho da Silva 'Luxury Homes, short lets and shacks: inside Lisbon's housing crisis'. *The Guardian*, 22 Dec. 2021. [www.theguardian.com/world/2021/dec/22/luxury-homes-short-lets-and-shacks-inside-lisbons-housing-crisis](http://www.theguardian.com/world/2021/dec/22/luxury-homes-short-lets-and-shacks-inside-lisbons-housing-crisis)
- 13 Long-term house purchase and rental prices are above OECD average for 2005–2020 — see Fig. 2.2 in *Brick by Brick: Building Better Housing Policies*. OECD, May 2021. [www.oecd-ilibrary.org/economics/brick-by-brick\\_b453b043-en](http://www.oecd-ilibrary.org/economics/brick-by-brick_b453b043-en). The Covid 19 pandemic slowed the rise in house prices slightly — 9.6% in 2019, 8.4% in 2020 (see *Post-Programme Surveillance Report — Portugal, Spring 2021*. European Commission, Jun. 2021. [https://ec.europa.eu/info/publications/post-programme-surveillance-report-portugal-spring-2021\\_en](https://ec.europa.eu/info/publications/post-programme-surveillance-report-portugal-spring-2021_en)), but they have rebounded with a a year-on-year growth rate of 11.6% in in the fourth quarter of 2021 (see 'House prices increased 9.4% in 2021 and 11.6% in the 4th quarter of 2021'. Press Release. Statistics Portugal, 23 Mar. 2022. [www.inec.pt/xportal/xmain?xpid=INE&xpgid=ine\\_destaques&DESTAQUESdest\\_boui=531609492&DESTAQUESstema=5414344&DESTAQUESmodo=2](http://www.inec.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=531609492&DESTAQUESstema=5414344&DESTAQUESmodo=2))
- 14 *Income Statistics at the Local Level—Reported Income on Personal Income Tax (IRS) Indicators 2019*. Statistics Portugal, Jul. 2021. [www.inec.pt/xportal/xmain?xpid=INE&xpgid=ine\\_destaques&DESTAQUESdest\\_boui=473160905&DESTAQUESmodo=2](http://www.inec.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=473160905&DESTAQUESmodo=2))
- 15 See 'Local Lodging'. Webpage. Agency for Administrative Modernization, Portugal. <https://eportugal.gov.pt/en/fichas-de-enquadramento/alojamento-local>
- 16 'Regulating short-term lets'. News Story. Scottish Government, 8 Jan. 2020. [www.gov.scot/news/regulating-short-term-lets/](http://www.gov.scot/news/regulating-short-term-lets/)
- 17 *Planning Legislation and Policy for Second Homes and Short-Term Holiday Lets*. Consultation Document. Welsh Government, Nov. 2021. <https://gov.wales/planning-legislation-and-policy-second-homes-and-short-term-holiday-lets>
- 18 See 'Lagos invests in organizing the practice of motorhomes'. News Story, Lagos City Council, 15 Apr. 2021. [www.cm-lagos.pt/municipio/noticias/8742-lagos-investe-no-ordenamento-da-pratica-do-autocaravanismo](http://www.cm-lagos.pt/municipio/noticias/8742-lagos-investe-no-ordenamento-da-pratica-do-autocaravanismo)



# warehouse development and planning policies

**Peter Jones** looks at the factors driving the demand for warehouse space and examines some of the planning issues associated with warehouse development

The first online retail sales have been traced back to the mid-1990s.<sup>1</sup> In the 25 years or so since then, major changes have occurred in the patterns of retail consumption, not least in the wake of the Covid-19 pandemic. Market and consumer data company Statista has reported that the UK 'has the most advanced e-commerce market in Europe', and that 'the country's e-commerce revenue in 2019 amounted to 693 billion GBP';<sup>2</sup> while in November 2021 internet sales accounted for some 40% of total retail sales.<sup>3</sup> These changes have been putting growing pressure on warehouse facilities.

Over five years ago, the UK Warehousing Association claimed that 'the UK warehousing sector is at the centre of a seismic shift in consumer habits, manufacturing processes and government planning policy'.<sup>4</sup> More recently, it has argued that 'our sector is currently the fastest growing in the economy, and it is essential that the Government recognises this and shapes planning policy accordingly', and that 'it is high time for warehousing to be baked into planning policy, in the same way that GP surgeries and schools are an accepted part of infrastructure planning'.<sup>5</sup> This article reviews the main factors driving the demand for warehousing space, outlines the nature, scale and operation of modern warehouses, and examines some of the planning issues associated with warehouse development.

## **Drivers of the growth in warehouse demand**

A number of factors—including the dramatic rise in e-commerce, the Covid-19 pandemic, changes in the geography of retail provision associated with convenience shopping, and Brexit—have driven the rise in the demand for warehousing space within

the UK. Internet sales have increased tenfold since 2006, when they accounted for just 2.5% of total retail sales.<sup>3</sup> This growth reflects the emergence, rapid growth and continuing diversification of e-commerce companies such as Amazon, Otto, and eBay, and the widespread adoption of personal information and communication technologies, such as smart phones and tablets, that have facilitated and simplified the purchase of, and payment for, a seemingly ever wider range of consumer goods. The e-commerce companies' lean business models enable them to offer very competitive prices, which have not only undercut traditional retailers but have also effectively created cost-conscious new markets.

Furthermore, the growth and liberalisation of parcel and courier services have enabled quick and efficient delivery to e-commerce customers, and fuelled consumer expectations about the speed of deliveries, with next-day, and increasingly same-day, delivery becoming the norm. At the same time, many traditional retailers have expanded their online offer, and their online sales have been growing steadily.

These developments were well under way prior to the onset of the Covid-19 pandemic early in 2020, but the temporary closure of many non-essential retail outlets, the imposition of social distancing measures, and many peoples' fears of contracting the virus through mixing with others fuelled an acceleration in e-commerce. For two periods in 2020 and 2020/2021 within the UK, clothing and electrical goods, for example, could only be purchased online.

Nevertheless, Prologis, a real estate investment business, argues that it is important to 'separate the transitory nature of human and company behavior during the pandemic from the real lasting forces

that will continue to drive the supply chains of the future'.<sup>6</sup> However, the UK's exit from the European Union has fed the demand for warehouse space by encouraging companies to shorten their supply chains and to hold goods closer to their final destinations. As companies can no longer rely on frictionless trade with EU suppliers, so new warehouse space may be required to guard against supply risks.

Many of these factors have driven the demand for large warehouses, but consumer expectations about quick deliveries from e-commerce companies and changes in some patterns of retail provision and in convenience shopping behaviour have also increased the demand for smaller warehouse units. In the retail arena, for example, the major food retailers have been opening small stores in both town and city centres and in suburban housing areas, enabling them to achieve higher profit margins through their premium-pricing policies while offering everyday convenience to consumers.

These developments, and the continuing growth of e-commerce, have stimulated the demand for so-called last-mile warehouses, which facilitate the movement of goods in the supply chain to the consumer and, in being closer to the consumer, reduce both supply chain costs and delivery times. This has increased the demand from traditional retailers, as well as e-commerce companies and suppliers, for smaller warehouses in towns and cities, even though land prices and rentals are generally high in such locations. Indeed, recent research undertaken by Turner & Townsend<sup>7</sup> suggests that such last-mile warehouses are the second-most popular type of warehouse space.

While the continuing rise in demand for warehousing space seems likely to be a feature of the real estate market for some time to come, there are constraints on the availability and supply of suitable land. Prologis<sup>8</sup> has claimed that there are barriers to supply in most densely populated areas—notably that new sources of supply have been located ever further from the major urban consumption centres; that rising land and construction costs pose economic challenges to warehouse development; and that it is becoming more difficult to navigate statutory regulatory environments in many countries. These claims were made principally in the context of the US, but Urie<sup>9</sup> has argued that a shortage of speculative new-build schemes and a shortage of suitably located land outside the Green Belt are becoming increasingly important constraints on warehouse development within the UK.

## Warehousing

Traditionally, warehousing and storage occurred in a wide range of (often unsuitable) buildings. While modern warehouses come in all shapes and sizes, they are generally designed and built to meet specific needs. Typically, general warehouses might be designed to keep products dry and secure, distribution

centres are designed to facilitate delivery to retail outlets, and climate-controlled warehouses are designed for food and beverages, while automated units harnessing new information and communication technologies are geared to support rapid delivery. Some examples help to provide an illustration of the nature, scale and operation of modern warehouses.

Amazon, ranked by Statista<sup>10</sup> as the UK's fifth-largest retailer in 2020/2021, operates major 17 distribution centres (described by the company as 'fulfilment centres'), spread across the UK, including units in Rugeley, Daventry, Doncaster, Warrington, Peterborough, Tilbury, Dunfermline, Gourrock, and Swansea, as well as a number of smaller sortation and delivery centres. The fulfilment centre at Rugeley in Staffordshire, for example, opened in 2011, covers 65,000 square metres, employs some 900 people, and ships out some 600,000 parcels every day. The centre at Dunfermline, the largest in the UK, covers some 93,000 square metres and employs over 1,000 people. Sortation centres sort and then consolidate customers' orders onto lorries by location of final destination, while in delivery centres goods are packed for the last-mile delivery to customers.

Amazon reports that most of its fulfilment centres have five major functions—unpacking and checking incoming goods; recording their location in the system; storage; putting shipments together; and despatching these shipments. The company's operations are all linked in that, once a customer places an order, information about the product is passed to the appropriate fulfilment centre and employees receive notification, remove the item from the shelves, and pack and despatch it. The company offers live virtual tours of its operations in the fulfilment centres, and prior to Covid-19 organised visits could be made to seven centres, including Doncaster, Peterborough, and Dunfermline.

Delivery company DPD operates from over 100 depots throughout the UK and Ireland, offering an integrated warehouse and distribution system. In 2018 the company opened a 6,500 square metre distribution centre near junction 7 of the M8, 11 miles to the east of Glasgow. It was designed to process up to 45,000 parcels per day, and the accent was on optimising delivery routes in and around Glasgow and West Central Scotland. The company's super-hub, in Birmingham, opened in 2016. Billed as Europe's biggest parcel sortation centre, it can process up to 72,000 parcels per hour.

UK Mail, part of DHL, opened its super-hub at Ryton-on-Dunsmore, Coventry in 2015. The site, built in conjunction with the relocation of the company's head office from Birmingham, offers 17,000 square metres of warehousing space, 150 shutter doors, and parking space for 130 trailers and tractor units, and can process up to 24,000 parcels per hour.

On the development side, UK property investment and development company St Modwen lists a number



of speculative warehouse schemes across the UK. The St Modwen Park major warehouse development in Burton-on-Trent, with planning consent for up to 93,000 square metres of warehouse space, is situated within 3 miles of the town and has direct access to the A38, connecting it to the M1, M6, and M42. The St Modwen Park in Chippenham is located on a 30 hectare development site off junction 17 of the M4 between Swindon and Bristol and offers warehousing and external and office space. Here, a new 8,500 square metre warehouse is being built by Glencar Construction for Furniturebox, the specialist online business company, with completion in 2022.

In some ways, slightly different pictures emerge from the geography of warehousing within the UK. In addressing the number of warehouses by city in 2019, for example, Statista<sup>11</sup> reported that Glasgow had the largest amount of warehouse space in the UK, followed by Belfast, Cardiff, and Liverpool. That said, it also noted that London was not listed in its rankings because of the multiple municipal divisions within Greater London, although large warehouses are relatively rare within the capital city, even when information from these localities is aggregated. Development consultancy Turley<sup>12</sup> has suggested that the West Midlands and the East Midlands (often collectively referred to as the 'Golden Triangle') and the North West had the most of the 40,000 warehouse properties, (and most of the 800 warehouses over 25,000 square metres) in England in 2018. The dominance of these areas was attributed to their central locations and good motorway connectivity.

The Golden Triangle, centred on an area between the M1, M6 and M42 motorways and stretching to Birmingham in the west and Nottingham in the north, has traditionally had the highest density of

warehouses, but more recently growing numbers of warehouses have been developed in and around Bristol and Leeds, and around the M40 and M62 corridors. In terms of development criteria, the larger distribution centres typically require locations that 'are in the centre or along the spine of the country', 'have direct access to the transport network', 'are in close proximity to labour, within a certain travel time', and 'have a large power supply'.<sup>12</sup> The development criteria for last-mile warehouses typically include major and growing population centres, locations where online spend is increasing, and good access to labour.

Given the perceived shortage in the supply of warehouse space, developers and operators are looking for creative solutions to generate greater capacity and more efficient operating systems. On the one hand there is growing interest in multi-storey warehousing, particularly for last-mile facilities in urban areas. Although there are many examples of very high single-storey warehouses with mezzanine floors in the UK, property consultants Carter Jonas<sup>13</sup> has argued the case for multi-storey warehousing (already well established in Asian cities such as Tokyo, Hong Kong, and Singapore) in London. The argument is that the consumer demand generated by the increasing popularity of city centre living, increases in prime rental values, the constrained nature of London and the need to do more with less space all point to building higher (or underground) warehouse space.

On the other hand, new technologies are increasingly being employed to drive efficiencies within warehouse operations. Here, automation, which typically involves mechanised material-handling and pallet-stacking and the use of

collaborative robots, is already very much to the fore, and Amazon is looking to develop packaging that is optimised for robotics. This, in turn, means that developers will increasingly have to build end-use considerations into the warehouse design and development process.

## Planning issues

While warehouses have long been significant elements in the built environment, and although the development pressures for new warehouse developments have increased markedly in recent years, neither the latest version of the National Planning Policy Framework (NPPF)<sup>14</sup> nor the *Planning for the Future White Paper*<sup>15</sup> make any explicit reference to warehouses. That said, in addressing 'building a strong and competitive economy', the NPPF recommends that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt', and that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. The *Planning for the Future White Paper* was almost entirely devoted to new housing development, and made no mention of the need for additional warehouse floorspace.

Within Scotland and Wales, national planning policies make only limited reference to warehousing, but the focus is on ensuring that local development plans take account of the need for warehouses, and that economic development is not constrained by a shortage of land for warehousing.

More specifically, subject to a number of limits and conditions, the erection of a warehouse per se has traditionally been considered to be permitted development, and not requiring planning permission. The limits and conditions on new warehouses relate to the height and floorspace of the building. Thus, no new warehouse can be built under permitted development if it is more than 5 metres in height if it is to be within 10 metres of the curtilage of the site, and in other cases no new warehouse can be higher than any other building within the curtilage, or 15 metres high, whichever is the lower. No new warehouse can be built under permitted development with a gross floor space exceeding 100 square metres, if within designated land and Sites of Special Scientific Interest, and in other cases not exceeding 200 square metres. Furthermore, where there is doubt about whether a proposed warehouse would be classed as permitted development, developers are advised to seek advice from the local planning authority.

The vast majority of large, modern warehouse developments are, by definition, outside these limits and conditions, and require planning approval. While it is not feasible to cover all the planning issues they raise, the aim here is to review two contrasting sets

of development proposals in order to illustrate some of the approaches to the planning issues raised by new warehouse developments: a developer's planning statement to support a warehouse development for a 24,000 square metre warehouse in Grantham in Lincolnshire; and North West Leicestershire District Council Planning Committee's review of an application for 560,000 square metres of rail-served warehousing and ancillary buildings at the East Midlands Gateway Rail Freight Interchange at Castle Donnington, in Leicestershire.

A planning statement prepared by iSec,<sup>16</sup> an investor and developer in UK commercial property, in association with the planning application for the demolition of an existing office block and the erection of 24,000 square metres of a new cold-store warehouse and ancillary facilities at Burton Lane in Grantham aimed 'to set out [the] relevant Planning Policy Framework and demonstrate how the proposal meets planning objectives'. In addressing the NPPF and the local authority (South Kesteven) Local Plan, iSec emphasised the economic benefits of the proposed warehouse development.

At the national policy level, while iSec accepted that 'there will be a visual impact on the landscape and a less than substantial harm caused to some nearby heritage assets', it considered that 'these adverse impacts are considerably outweighed by the benefits of the development'. Here, iSec claimed that 'the proposed development will deliver significant benefits at all spatial levels', with highway improvements and brownfield land re-use being cited as local benefits, while new jobs were highlighted as benefits at the district, regional and national levels.

More generally, iSec emphasised the NPPF aim of 'building a strong, competitive economy',<sup>14</sup> and that 'planning decisions should encourage the effective use of land by re-using land that has previously been developed'.<sup>16</sup> At the local planning level, iSec effectively dismissed any potential concerns about the loss of any formal areas of landscape, noise and light pollution, and damage to protected species and habitats, and emphasised that the Local Plan provided 'clear support for economic growth'.

The proposal for the construction of a large warehouse and ancillary buildings at the East Midlands Gateway at Ashby Road in Castle Donnington was called in by West Leicestershire District Council at the request of a local councillor in April 2020. In recommending approval of the development, subject to a legal agreement and a number of conditions, the local planning authority took the view that the proposed development was part of the East Midlands Gateway Rail Freight Interchange, which had been granted a Development Order Consent in 2016, and that there were a number of economic and environmental benefits.



The economic benefits included the creation of the over 750 jobs and the accommodation of complex material-handling technology which would increase efficiency, while the environmental benefits principally centred on the reduction in carbon dioxide emissions associated with the greater focus on rail operations, compared with road-based warehouse developments.

In effectively accepting the economic and environmental planning policy drivers for the proposed development, West Leicestershire District Council<sup>17</sup> reported that the key planning issues relevant to the application related to 'the impacts to the visual amenities and landscape character of the area; and impact on the historic environment'. In addressing the landscape and visual impacts of the proposed development there was recognition that, while the height and scale of the development would make it highly visible, particularly from the north, north east, and north west, this visual intrusion would be mitigated by tree planting. In concluding its review of the application, the council decided that the design and appearance of the warehousing would be acceptable and in line with the Local Plan, that there were no significant concerns about highway safety, and that the proposed development would not contribute to flood risk or impact adversely on the operational safety of the nearby East Midlands Airport.

## Conclusion

The growth in the demand for warehouse space, driven by the factors discussed above, seems likely to continue for some time. Local authority planning departments and planning consultancies will be maintaining a watching brief on proposals for new warehouse developments, but two wider issues merit attention.

First, while the UK Warehousing Association has emphasised the importance of explicitly incorporating the need for warehousing into planning policy, current national and local policies seem to be successfully accommodating such growth. Secondly, the continuing development of modern warehouses provides a paradox for planning. Such development effectively aims to facilitate, and arguably to increase, the current levels of unsustainable consumption, and as such seems to be antithetical to sustainable development (and the NPPF<sup>14</sup> holds that 'the purpose of the planning system is to contribute to the achievement of sustainable development'). While the continuing growth in warehouse development addresses sustainable development's economic objectives, and to lesser extent its social objectives, it will do little or nothing to deliver against the concept's environmental objectives.

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## Notes

- 1 J McFerrin: 'The history of eCommerce: how did it all begin?'. Ecommerce blog entry. IWD, Sept. 2021. [www.iwdagency.com/blogs/news/the-history-of-e-commerce-how-did-it-all-begin](http://www.iwdagency.com/blogs/news/the-history-of-e-commerce-how-did-it-all-begin)
- 2 D Coppola: 'E-commerce in the United Kingdom – statistics & facts'. Webpage. Statista, Jan. 2022. [www.statista.com/topics/2333/e-commerce-in-the-united-kingdom/](http://www.statista.com/topics/2333/e-commerce-in-the-united-kingdom/)
- 3 *Internet Sales as a Percentage of Total Retail Sales (Ratio) (%)*. Office for National Statistics, Feb. 2022. [www.ons.gov.uk/businessindustryandtrade/retailindustry/timeseries/4mc/drsi](http://www.ons.gov.uk/businessindustryandtrade/retailindustry/timeseries/4mc/drsi)
- 4 *The Size and Make Up of the UK Warehousing Market*. UK Warehousing Association/Savills, 2015. [www.cambridgeshirechamber.co.uk/downloadlibrary/UKWA%20Savills.pdf](http://www.cambridgeshirechamber.co.uk/downloadlibrary/UKWA%20Savills.pdf)
- 5 *The Size and Make Up of the UK Warehousing Sector – 2021*. UK Warehousing Association/Savills, 2021. <https://pdf.euro.savills.co.uk/uk/commercial---other/uk-warehousing-sector---2021.pdf>
- 6 *Forever Altered: The Future of Logistics Driven Real Estate Demand*. Prologis, Mar. 2021. <https://prologis.getbynder.com/m/25ce45ad24c53689/original/The-Future-of-Logistics-Real-Estate-Demand.pdf>
- 7 *Warehouse Cost Index 2020*. Turner & Townsend, 2021. [www.turnerandtowntsend.com/en/perspectives/warehouse-cost-index-2020/](http://www.turnerandtowntsend.com/en/perspectives/warehouse-cost-index-2020/)
- 8 *Logistics Real Estate: The Forces Governing Supply*. Prologis, Jun. 2021. <https://prologis.getbynder.com/m/756eecd27842d97/original/Logistics-Real-Estate-The-Forces-Governing-Supply.pdf>
- 9 M Urie: 'Industrial and logistics: the race for space'. Website article. Gardiner & Theobald, May 2021. <https://marketintel.gardiner.com/bulletins/industrial-and-logistics-the-race-for-space>
- 10 'Leading 10 retailers based on sales in the United Kingdom in 2020/2021'. Webpage, Statista, Jul. 2021. [www.statista.com/statistics/462863/leading-ten-retailers-by-sales-uk/](http://www.statista.com/statistics/462863/leading-ten-retailers-by-sales-uk/)
- 11 'Logistics property stock in 12 cities in the United Kingdom as of 2109'. Webpage. Statista, Jun. 2021. [www.statista.com/statistics/1181800/cities-most-retail-logistics-real-estate-uk/](http://www.statista.com/statistics/1181800/cities-most-retail-logistics-real-estate-uk/)
- 12 *What Warehousing Where?* Turley Economics, for the British Property Federation, 2019. <https://static.turley.co.uk/pdf/file/2019-03/BPF%20What%20Warehousing%20Where%20Report.pdf>
- 13 'Multi-storey warehousing in London'. Webpage. Carter Jonas (undated). [www.carterjonas.co.uk/multi-storey-warehousing](http://www.carterjonas.co.uk/multi-storey-warehousing)
- 14 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, Jul. 2021. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 15 *Planning for the Future*. White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020. [www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future)
- 16 *Planning Statement*. iSec, Jul. 2018. <http://planning.southkesteven.gov.uk/SKDC/S18-1321/1636994.pdf>
- 17 *Application Reference 20/00718/FULM. Report Item No A1*. West Leicestershire District Council, Aug. 2020. <https://minutes-1.nwleics.gov.uk/documents/s28497/A1.pdf>



## Eté

### Two countries, two systems

Some members of the UK's royal family may have blotted their copybooks, but HM The Queen soars above the tittle tattle and has just enjoyed a hugely successful platinum jubilee. Here too, in the Fifth Republic, there is a love-in and very warm words for La Reine Elizabeth, matched by critical comments about the occupant of the Elysée Palace. President Emmanuel Macron may have just won another term, but, as is so often the case in politics worldwide, his victory was to prevent the challenger winning rather than a vote for the candidate himself.

There is a fascination with the UK's monarchy. Extended news reports about the jubilee and old film footage enable everyone both at home and abroad to wallow in nostalgia. *La presse* piles in with column-centimetres about Kate, her clothes, and her young family. You probably have to be outside the UK to fully appreciate the soft-power that this Great British Institution can project.

That's not to say that our neighbours want to bring back the pretender to the French throne, Louis Alphonse de Bourbon. They look despairingly at 'Le Roi Macron', but they think at least he can be ditched for good in five years' time.

### The new drapeau bleu et jaune outside our Mairie

An example of the cause of the growing disenchantment in our village with 'Le Roi Macron' is his attempt at mediation with the dictator in the Kremlin. France has long pursued an independent foreign policy—no hankering for 'special relationships' here. But the war in Ukraine is regarded as a black-and-white issue in rural France. '*Poutine est un merde*' is the word on our street.

Like many French towns and villages, we have a new flag above the door to the *Mairie*, joining the tricolor and that of the EU and the region. And two Ukrainian families are now in houses in our village—Iryna and Yulia and their children (and one grandmother). Sympathy for their plight combines with interest and pride. The village has rallied round with clothes, toys, food, and bedding, and the children are at the local school.

Unfortunately, Yulia, as a civil servant, has been required to report back to Ukraine and start work again as part of the 'new normal', so the grandmother is acting *in loco parentis*. And as if to underscore that it takes a village to raise a child, the blonde youngsters have taken part in the annual carnival as if they'd been living here for years. A warm welcome to the neighbours who've come from Hell!

However, I understand that the refugees are paying rent for old village houses which have been empty for years. Like lots of French villages, we have many dilapidated houses with multiple family members having a small interest in a property. So maintenance is neglected and there is little incentive to sell the freehold. Now, the shutters have been thrown back, the fly-blown pigeons removed, and the interiors thoroughly spring cleaned by the tenants. Charity begins at home.

### Re-wilding

Wilding or re-wilding might be portrayed as a recent craze, but in the Languedoc large chunks of the countryside have never been tamed. The *maquis* of the Corbières mountains covers hundreds of square kilometres and is home to all sorts of wildlife. Golden eagles soar overhead as wild boar crash through the undergrowth; elegant hares lope across the limestone pavement; and the air is full of the songs of nightingales and the whoop of hoopoes.

Sheer space is a factor: France is a big country, with mountains and huge forests. North and Central France are the bread-baskets and could probably do with a less intensive, more extensive approach to farming; but that is a world away from parts of our region which have featured in spaghetti westerns because they look so much like the old 'wild west'.

The real guardians of these wilderness areas are the burly men of *la chasse*. Reach the margin of any village round here and you'll see the little red signs advising that, beyond this point, hunting is reserved for the locals. It's the alternative Sunday religion, when the four-wheel drive pick-ups tear up the hills with dogs howling in the back, followed by a cacophony of gunshots that echo round the valleys.

Apart from the noise, the downside for those of us without arms (as it were) is that from mid-August going for walks can be restricted and potentially hazardous. So we wear bright clothing when out walking, to be conspicuous. Wilding the countryside is to be welcomed but it comes with its risks.

● **Graeme Bell OBE** is a TCPA Vice-President and lives part of the year in the Languedoc. The views expressed are personal.

# bringing all sides together to save high streets



Kai Bossom on Unsplash

Anyone with a long memory of these columns may faintly recall that—many years ago and in more enlightened times—I was once an independent reviewer on public service choice at the Treasury and the Cabinet Office. I know from that experience just how important it is to tackle intractable policy problems by getting as many of the people involved as possible into a room at the same time. That—with the added challenge of taking place during the Covid lockdown—was the idea behind the founding of Platform Places, a new organisation dedicated to rescuing our beleaguered high streets.

In fact, my involvement goes back a year or so before then, when my New Weather colleague Lindsay Mackie and I wrote a blog, copied onto the Radix UK website, which was a little cynical about Mark Robinson, the Ellandi developer appointed by the government to chair its High Streets Task Force, claiming—quite incorrectly as it turned out—that appointing a developer was a sign of a lack of official ambition.

He complained to Radix and I offered him a right of reply. And because of that, he and I became involved in developing the Platform process—through Radix and funded by the solicitors Shoosmiths and the Power to Change trust. It developed pretty fast under the watchful guidance of Bex Trevalyan, the social entrepreneur and co-founder of the Library of Things.

The group included enlightened and experienced developers, estate agents and property managers, local authority development directors, and, especially, some of the social entrepreneurs who have been trying to access space in high streets, only to find themselves blocked by a combination of short leases, high rents, and ancient, creaking ideas about incentives and needs on rents which have become horribly badly aligned.

I have to declare an interest here. I am one of five co-authors of the Platform Places 'manifesto'—*A Platform for Places: Reviving Town Centres by Changing How Communities Access Property*<sup>1</sup>—launched at the Big Tent event in Bristol. Its message is summed up by a quotation at the start, from New Economics Foundation stalwart Frances Northrop, who first cut her teeth on reviving Totnes, then moved on to her native Bradford, and is now involved in so much community regeneration that she probably ought to be nationalised:

*'Our high streets are not in decline. We just can't easily get into the buildings and spaces to do things we need to do to make them thrive.'*

That is the kind of optimism we need, it seems to me. It reminds me a little of John Maynard Keynes' arguments for his reflation policies.

The report makes the following proposals:

- **Persuade the government to endow a couple of capital and revenue funds**, to, along with other funders, offer funding to refurbish buildings, incentivising asset owners to come to the table, and to grow a new generation of locally rooted, impact-first operators and brokers—as with Historic Coventry Trust, Nudge Community Builders, and Meanwhile in Oxfordshire. It backs the proposal put forward by the co-funders of the report, Power to Change, for a high street buy-out fund which can leverage in more investment—and would eventually become a permanent, revolving loan fund.<sup>2</sup>

- **Set out community lettings policies for local authorities.** This proposal is really to help local council teams make the case for leasing or selling public assets to community developers on favourable terms, to support the delivery of local prosperity.
- **Support local authorities as intermediaries between landlords and STO (socially trading organisation) potential tenants.**
- **Provide business rates relief for STOs.**
- **Tackle long-term vacancy and dereliction.**

The report is wonderfully careful about this last one: *'With careful consultation with all stakeholders, continue to explore the proposal laid out in the Levelling Up and Regeneration Bill designed to make procedural changes to the compulsory purchase (CPO) process—to support councils to tackle buildings that are long-term vacant or derelict without a valid reason (such as awaiting planning permission).*

*'If implemented, this should only be used as a last resort tool, for example, where an asset owner has clearly abandoned the property and cannot be found, or is unresponsive after months of communication. [...]*

*'We caution that full consultation with asset owners, councils and communities is critical to creating a policy like this in a way that is fair and constructive for all parties.'*

Clearly not everything is completely agreed. But then, why would it be? All these careful phrases are testimony to the authenticity and ambition of the core group of what is now a continuing organisation, Platform Places.

Will it work? I think it will—because you can find effective examples in Plymouth, Sheffield, Coventry, Poole, and Belfast. The important thing is to start...

● **David Boyle** is co-founder of the New Weather think-tank and Radix Big Tent, and is the author of *Tickbox: How It Is Taking Control of Our Money, Our Health, Our Lives—and How To Fight Back!* (Little, Brown). The views expressed are personal.

#### Notes

- 1 B Trevalyan, D Boyle, F Northrop, N Plumb and N Seneviratne: *A Platform for Places: Reviving Town Centres by Changing How Communities Access Property*. Radix Group, Jun. 2022. Available at [https://radixuk.org/wp-content/uploads/A-Platform-for-Places-Report-May-22\\_V2\\_WEB.pdf](https://radixuk.org/wp-content/uploads/A-Platform-for-Places-Report-May-22_V2_WEB.pdf)
- 2 See N Plumb, M Roche and A McNabola: *Why Now Is the Time for High Street Buyout Fund*. Power to Change, May 2022. [www.powertochange.org.uk/wp-content/uploads/2022/03/Take-Back-the-High-Street-report.pdf](http://www.powertochange.org.uk/wp-content/uploads/2022/03/Take-Back-the-High-Street-report.pdf)

# straight line crazy— robert mores, the planner who did



Back in the 1990s, when I first became a member of the Royal Town Planning Institute, I opened my first copy of its *The Planner* magazine with great interest. One thing I still remember from that edition was a letter lamenting the fact that architects got all the glory in Hollywood movies and planners never got a mention. Glamorous, good looking, charismatic, ambitious, a little bit ruthless, rubbing shoulders with the rich and famous, fêted almost as modern artists in their own right—it was all so unfair.

Now, finally, through *Straight Line Crazy*, the record has been righted, set straight even. Planners have inherited the earth. Or at least one has: Robert Moses—although as anyone who has read Jane Jacobs' book *The Death and Life of Great American Cities* will know, this reappraisal of the planners' birthright might come into the 'be careful what you wish for' category.

*Straight Line Crazy* has been playing to packed houses at the Bridge Theatre in London for some months—so packed that the National Theatre has been streaming it to cinemas all over the country so that those who couldn't get a ticket for a live performance could nonetheless get a piece of the action. And action there is aplenty. Starring Ralph Fiennes as Moses, David Hare's play, directed by Nicholas Hytner, takes the life and times of Robert Moses at two points in his career (the mid-1920s and the mid-1950s) and examines the extraordinary





**Robert Moses—extraordinary power and influence**

power that the man had over anything that came up against his vision of a new world, whether that be the urban form of city of New York or its inhabitants—both the gentry (the Vanderbilts, the Whitneys or the JP Morgans on their estates on Long Island) and the common people who lived in inconveniently dense concentrations in Brooklyn or the Bronx. To say nothing of his staff or his (notionally) political masters.

In the 1920s Moses carries all before him, browbeating both the landed gentry and, in an incredible scene, New York's Governor Al Smith (played by Danny Webb), who at one point, after a particularly heated row during which Smith lays down a political demand to build a railway line to Long Island, leaves the office remarking ruefully that 'When you leave the company of Robert Moses you feel like you've been robbed; you're just not sure what of.'

Both in *Straight Line Crazy* and in real life, Moses believed that he was right and the majority wrong. His vision was to open up the beaches and countryside of Long Island to the denizens of New York, democratise leisure, and make the freedom of the road available to everybody. His story was one of duels between elected and unelected power and the rights of citizens to shape their city and Moses' belief that some parts of the city weren't worth saving, whatever the tight-knit communities who lived there might have thought.

Moses had a vision that was partial to say the least. Highways to the parks and the coast had to be built. But in the 1920s the motor car was out of reach of most families (and in New York where would you park one anyway?). People already had leisure opportunities; Coney Island was hugely popular—but Moses only wanted a certain 'type' of person to enjoy the new freedoms he sought. And that wouldn't include poor immigrants or black people, so staff were instructed to build bridges too low for a bus to pass beneath, and Smith's injunction

regarding rail lines from the city to the coast was completely ignored.

But in the 1920s, when the idea of citizen participation was still a long way in the future, the sheer exhilaration of a visionary approach to city planning seemed glorious. In *Straight Line Crazy* young planner Finnuala Connell (played by Siobhan Cullen) at one point proclaims that working for Moses is like galloping across the plains on horseback.

But 30 years later Moses is riding for a fall. The deficiencies of the expressways were more obvious, the implicit racism of the decisions taken about which communities were destroyed more glaring, and the breathtaking lack of accountability to political masters looked less like vision and more like a toxic mixture of bullying and corruption. In the play, the scales begin to fall from the eyes of his previously star-struck staff, if not from those of Moses himself. The second half begins to look like a reckoning. Connell recruits a young black woman, played by Alisha Bailey, freshly out of planning school. Her family was displaced by the Cross Bronx Expressway, which she refers to as the 'heartbreak highway', and the two of them map the emerging cultural currents more accurately than Moses.

The play's final flashpoint is Moses' attempt to drive another expressway across Washington Square park in Lower Manhattan. 'The man is straight line crazy,' remarks one opponent. The park has its defenders, among them Jane Jacobs. The world of planning suddenly becomes more diverse—women, black people, a planner with multiple sclerosis, who all see the world through different eyes from Moses. Suddenly he is vulnerable to 'handbag activists', and the game is up. Invincibility once challenged isn't invincibility any more, and Washington Square and a lot of the rest of Lower Manhattan is saved from destruction at the altar of the motor car.

The resonances with the present day are obvious: the conflict between conservation and development, the car versus liveable neighbourhoods or public transport, the power of the bureaucracy versus political power, the weakness of political power in the face of corporate imperatives, racism in planning, and the obsessiveness of a charismatic figure transfixed by infrastructure projects with which they hope they will forever be associated. Playing in a theatre so close by the site of that never-built 'garden bridge' over the Thames, *Straight Line Crazy* is a dramatically gripping and politically thoughtful masterpiece, placing the planner centre stage at last.

● **Martin Stott** is an independent sustainability practitioner—see [www.martin-stott.com](http://www.martin-stott.com). The views expressed are personal.

# why we need realistic targets for tree planting



Danielle Sinnett

## Post-planting stewardship is vital — struggling new trees in a development

Trees provide a multitude of benefits in our towns and cities. While current initiatives to increase tree planting and canopy cover are a positive step, they appear to be focused on politically driven targets without much consideration of how they can be delivered. Although this statement also applies to rural tree planting, here I want to focus on urban areas.

In the last few years we have seen moves from central and local government to increase either the number of trees planted or canopy cover. For example, at a national level the UK government has committed to planting 30,000 hectares of new woodland per year by 2024. Following the introduction

of the Environment Act 2021 it is likely that a statutory target of 17.5% woodland cover will be set,<sup>1</sup> although much of this planting is expected to take place in rural environments.

There is acknowledgement that '25.8 million trees will need to be planted outside of woodland to achieve a net gain in canopy cover, at an average rate of just over 1 million trees per year between 2025 and 2050',<sup>1</sup> and the England Trees Action Plan<sup>2</sup> includes urban areas, focusing on community-led planting and partnerships with local government and communities, as well as setting an expectation for tree-lined streets and the creation of orchards, in line with the National Planning Policy Framework



Dean Bell

**Constrained planting conditions exposing the tree roots and leading to pavement lifting (left), and (right) a tree that has outgrown its tree guard**

(NPPF). Many places have introduced their own targets for new tree planting—for example, the North East Community Forest has set a staggered target to plant 6,000 hectares by 2050, and Manchester's City of Trees initiative has a target of 3 million trees over five years.

An alternative to targets for numbers of trees is to specify a tree canopy cover target, i.e. the proportion of land covered by the tree canopy. This is more appropriate as it is the tree canopy which tends to deliver the ecosystem services, and the greater the canopy the greater the benefit(s). It also gives a better indicator of the survival and health of trees. To illustrate, 1,000 small whips (of less than 1 metre in height) planted might contribute to tree planting targets, but if a lot of these die prematurely or fail to thrive they will not make much of a contribution to the tree canopy or ecosystem service delivery. Similarly, if ten mature trees with large canopies are removed and replaced with young trees, it will take a long time for the canopy to be replaced, resulting in a temporary reduction in ecosystem services.

The Urban Forestry and Woodland Advisory Committee Network suggests a 20% canopy cover,<sup>3</sup> but many places do not achieve this—the estimated average urban canopy cover in the UK is around 16%.<sup>4</sup> As a result, tree canopy cover targets are increasingly used to drive tree planting—for example, Newcastle City Council aims to increase canopy cover from 18.1% to 20% by 2050,<sup>5</sup> Bristol's One City Plan<sup>6</sup> includes a target to double tree canopy cover between 2018 and 2045 from 18.6% to 37.2%, and Reading Borough Council has set a target of 25% canopy cover by 2030, including at least 12% in all wards.<sup>7</sup>

There are two things that concern me with tree planting and canopy cover targets. First, they appear to be set with very little consideration of how they will be achieved. For example, Kent County Council has a commitment to plant 1.5 million new trees, but its detailed action plan on how this will be delivered is yet to be published and its strategy acknowledges that the feasibility is unknown.<sup>8</sup> In England, the National Audit Office went as far as to suggest that Defra (the Department for Environment, Food and Rural Affairs) set a tree planting target of 7,500 hectares per year by 2025 without considering its feasibility.<sup>9</sup>

Max Walters, of Atkins, and I have recently published a study<sup>10</sup> that examined the feasibility of Bristol's target to double tree canopy cover, which estimated that at least 18,000 large standards would need to be planted each year to 2045 to achieve the target—almost double the current planting. In my view it is essential that planting is focused on the neighbourhoods with the lowest canopy covers—these are typically the areas with the greatest needs in terms of health and environmental inequalities and where we will see the greatest benefits. But they often have the least space, there is more competition for land, and mature trees are being lost to development or disease. We have found that, although there is support for retaining existing trees and new planting in Bristol, there is less support for measures such as removing road space from cars to create space for new planting.

We must also balance other nature conservation priorities—I have heard examples of local authorities proposing to plant trees on valuable grasslands to



achieve their tree planting targets because their urban areas are so constrained.

The other concern I have about these targets and the related funding schemes is that they do not adequately consider the importance of providing good planting conditions and stewardship. Urban trees can suffer high mortality rates and slow growth. Although it is very difficult to find accurate figures, one literature review reported median mortality rates of around 7% during the establishment period of five years post-planting.<sup>11</sup> Our study<sup>10</sup> found that, when the mortality rate was increased to just 3%, the number of standard trees required in Bristol increased from 18,000 to 44,000 per year.

There are several factors that affect tree survival and growth, including the type and volume of the tree pit and growing medium, tree species, planting stock, and stewardship during the establishment period. But we simply do not have enough information on how some of these factors influence survival and growth. My colleague, Dean Bell, is collecting data in two case studies, and has written about the difficulties he has faced in finding locations for his research<sup>12</sup>—difficulties which include tree pit specifications in planning applications not being followed and planting dates not being recorded.

## 'Funding schemes often focus on tree planting and a three-year establishment period, which may not be sufficient'

The NPPF requires (in para. 131) that 'appropriate measures' are included for the long-term stewardship of trees. Funding schemes often focus on tree planting and a three-year establishment period, which may not be sufficient. BS 8545:2014 *Trees: From Nursery to Independence in the Landscape* recommends a five-year management plan, and some local authorities require 10 years in their planning policies. The new requirement under biodiversity net gain in the Environment Act 2021 for development to provide active management for 30 years for new habitats<sup>2</sup> is welcome, if tree planting is included in this provision. But enforcement is another matter.

There is good practice in many places, but I would like to see all local authorities specify standards for planting and at least five-year establishment periods for new trees, as well as monitoring of new planting. It might be more beneficial to plant fewer trees and nurture them to maturity. We urgently need to ensure consistency in new planting if we are to

deliver these ambitious targets and ensure that trees contribute to achieving sustainable places.

● **Danielle Sinnett** is Professor in Sustainable Built Environments and Director of the Centre for Sustainable Planning and Environments at the University of the West of England, Bristol. The views expressed are personal.

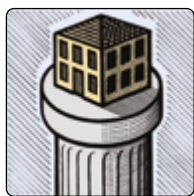
### Notes

- 1 *Environment Act Targets — Woodland Cover Target. Impact Assessment*. Department for Environment, Food and Rural Affairs, Apr. 2022. [https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting\\_documents/Woodland%20cover%20targets%20%20Impact%20Assessment.pdf](https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting_documents/Woodland%20cover%20targets%20%20Impact%20Assessment.pdf)
- 2 *The England Trees Action Plan 2021–2024*. UK Government, May 2021. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/987432/england-trees-action-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987432/england-trees-action-plan.pdf)
- 3 *England's Urban Forests: Using Tree Canopy Cover Data to Secure the Benefits of the Urban Forest*. Urban Forestry and Woodland Advisory Committee Network (undated). [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/709464/FR\\_FC\\_TreeCanopyData\\_leaflet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709464/FR_FC_TreeCanopyData_leaflet.pdf)
- 4 K J Doick, H J Davies, J Moss, et al.: *The Canopy Cover of England's Towns and Cities: Baseline and Setting Targets to Improve Human Health and Well-being*. Forest Research (Urban Forest Research Group), 2017. [www.charteredforesters.org/wp-content/uploads/2019/01/Doick-et-al\\_Canopy-Cover-of-Englands-Towns-and-Cities\\_revised220317\\_combined.pdf](http://www.charteredforesters.org/wp-content/uploads/2019/01/Doick-et-al_Canopy-Cover-of-Englands-Towns-and-Cities_revised220317_combined.pdf)
- 5 *Trees Newcastle*. Newcastle City Council — Tree Policy 2021–2026. Newcastle City Council, 2021. [www.newcastle.gov.uk/sites/default/files/Trees/Newcastle%20Trees%20Policy.pdf](http://www.newcastle.gov.uk/sites/default/files/Trees/Newcastle%20Trees%20Policy.pdf)
- 6 *One City Plan 2021: A Plan for Bristol to 2050*. Bristol City Council, 2021. [www.bristolonecity.com/wp-content/uploads/2021/04/Bristol-One-City-Plan-2021-2050.pdf](http://www.bristolonecity.com/wp-content/uploads/2021/04/Bristol-One-City-Plan-2021-2050.pdf)
- 7 *Tree Strategy, March 2021*. Reading Borough Council, Mar. 2021. <https://images.reading.gov.uk/2021/03/Tree-Strategy-March-2021.pdf>
- 8 *Plan Tree: Kent County Council's Tree Establishment Strategy 2022–2032*. Consultation Document. Kent County Council, May 2022. <https://letstalk.kent.gov.uk/plantree>
- 9 'Planting trees in England'. Press Release. National Audit Office, 4 Mar. 2022. [www.nao.org.uk/press-release/planting-trees-in-england/](http://www.nao.org.uk/press-release/planting-trees-in-england/)
- 10 M Walters and D Sinnett: 'Achieving tree canopy cover targets: A case study of Bristol, UK'. *Urban Forestry & Urban Greening*, 2021, Vol. 65, Nov., 127296. [www.sciencedirect.com/science/article/pii/S161886672100323X](http://www.sciencedirect.com/science/article/pii/S161886672100323X)
- 11 DR Hilbert, LA Roman, AK Koeser, et al.: 'Urban tree mortality: a literature review'. *Arboriculture & Urban Forestry*, 2019, Vol. 45(5), 167–200. [www.fs.usda.gov/treearch/pubs/58772](http://www.fs.usda.gov/treearch/pubs/58772)
- 12 D Bell: 'Challenges associated with monitoring urban trees and the benefits of collecting baseline data at planting'. *Trees*, 2021. <https://uwe-repository.worktribe.com/output/9699840>



With a turn in the tide for planning policy on design quality, it is time for local authorities to stand up against low-quality housing design, says **Matthew Carmona**

# appealing design—the tide turns on poor and mediocre housing design



The Place Alliance's 2020 report *A Housing Design Audit for England*<sup>1</sup> revealed that three-quarters of new housing developments were mediocre or poor when assessed against a broad basket of urban design considerations. Given that, why isn't more of it simply rejected by the planning system?

Answers can be found in earlier Place Alliance research which examined, in the words of the title of the resulting report, *Councillors' Attitudes to Residential Design*.<sup>2</sup> Councillors' views can be summarised in four quotes:

- 'There is no point in turning down on design grounds as an inspector will overturn on appeal.'
- 'Design is a very weak reason for planning refusal and likely to lead to costs against the council.'
- 'The pressure is to come up with the numbers, so design is less important than the delivery of the sites.'
- 'Officers are reluctant to decline because they are fearful of the stress, timewasting and cost of appeals.'

For too long the balance of risks between giving consent to poor-quality development and losing the inevitable planning appeal has, more often than not, tilted in favour of not fighting the battle and instead simply giving consent to poor and mediocre schemes. The result has been that poor and mediocre design has been getting through the planning system, further raising local opposition against new development in a manner that seems self-defeating if the aim is to build more homes.

## The balance shifts

On 20 July 2021, a revised National Planning Policy Framework (NPPF) was published,<sup>3</sup> containing new,

very clear and unambiguous words on design. It says (in para. 134):

*'Development that is not well designed should be refused...'*

The wording stands in sharp contrast to that in the 2012 version of the NPPF, which simply required (in para. 64) that:

*'Permission should be refused for development of poor design...'*

This means that the test is now the achievement of 'good design' and not just the avoidance of 'bad design'. In other words, the dominance of 'mediocre' design as revealed in *A Housing Design Audit for England* is no longer considered good enough.

The new policy goes further, to unambiguously extend the definition of what is considered 'good design' to aesthetic concerns—in the past regarded as the most subjective of planning issues. This has been introduced courtesy of a statement added to the new policy (in para. 126) calling for:

*'The creation of high quality, beautiful and sustainable buildings and places...'*

So has this made a difference? Evidence in the new Place Alliance report, *Appealing Design*,<sup>4</sup> suggests... yes!

## Examining design-based planning appeals

First, what we did in work on the new Place Alliance report. To examine design-related planning appeals, all English appeals reported in the weekly *Decisions Digest* from *The Planner* magazine were examined. Around 400 appeals are written up annually in this source, with links to the original planning decisions.

Around half of major planning applications in England are included in the *Decisions Digest*, ensuring that a representative sample of appeals could be analysed. From this source it was possible to identify 32 applications heard in 2021 in which design was the major grounds for refusal; 12 in the first half of the year, prior to the change of policy on 20 July, and 20 following the change.



**‘Site cramming’, rejected in Horley**

In each case the planning inspector’s decision letter was examined, as well as application documents lodged on the relevant planning portals for each local authority. Any separate applications for the award of costs were also examined. Together, these gave a good insight into the issues at stake and the decision-making process, and on that basis conclusions were drawn.

**Pre-20 July 2021 — a lottery**

Analysis of the pre-July 2021 appeal decisions supports the anecdotal evidence that design quality was sometimes prioritised in decisions made by the Planning Inspectorate, while elsewhere it was considered expendable. The result was a lottery that, understandably, made local planning authorities reluctant to reject developments on design grounds.

Some decisions came down in favour of supporting local character and living conditions (such as the Horley scheme rejected on the grounds of ‘site cramming’, shown above). But a majority clearly prioritised housing numbers despite the poor quality of design (such as the East Malling scheme seen as ‘undermining landscape character’ but still supported, shown on the right).

While, prior to July 2021, the picture on design-related appeals was not as one-sided as the fears of councillors might have suggested, analysis of 12 appeal cases from the first half of 2021 revealed



**‘Undermining landscape character’, but still supported in East Malling**

that implementation of the policy on design then in place was, at best, inconsistent.

**Post-20 July 2021 — improved odds (three times better)**

Analysing the post-July 2021 cases, it was immediately apparent that a marked shift in the likelihood of local authorities successfully defending design-based appeals had occurred. The shift was particularly apparent in the arguments used by planning inspectors, who, on the face of it, seemed

to have been liberated to consider design on equal terms with other factors. In doing so they regularly referenced the changed policy position in the NPPF, as well as guidance in both the National Design Guide and the National Model Design Code.

Comparing the decisions made after 20 July 2021 with those made before, the odds in favour of local planning authorities winning cases on design grounds had shifted from just 5:7 (against) to 13:7 (in favour). In other words, previously there were more losses than wins (for local authorities), and now there are close to two times more wins than losses. Extrapolating to account for the shorter period covered by the research after 20 July (five months as opposed to seven), the success rate for local planning authorities in design-related appeals was three times better than before.

Compared with historical trends, local authorities were previously succeeding in design appeals in fewer cases than the national average for all appeals in this class of development. Now they are running significantly ahead of the national average when the focus is on design.

Design quality seems no longer to be set aside as a sacrificial lamb for other factors—namely housing numbers or viability concerns. Indeed, 100% of the post-20 July 2021 design-related appeals examined during the research were decided on their design merits, with quality considered on equal terms to quantity.

### **Celebrating planning—but not everywhere**

The research can be seen as evidence of the vital importance of planning's regulatory function, which—when working well—prevents untold damage to the country's cities, towns, and villages. This unsung and often invisible function (because rejected schemes do not get built) deserves greater celebration.

Less positively, it is no surprise and no coincidence that, of the 32 design-related appeals examined, 26 were in London or the South East, with three in the Midlands, three in the North, and none in the South West. While the numbers of major housing developments nationally are heavily weighted to the South East, this degree of skew in the appeals data seems to reflect a particular reluctance to challenge design outside of London and the South East. It reflects findings in *A Housing Design Audit for England* that generally demonstrated poorer design outcomes outside the South East, and wider reports that planning in these regions has suffered from particularly deep funding and associated service cuts. The appeals data demonstrates further regional disparities, with significant 'levelling up' implications.

### **Local authorities should not fear the award of costs**

Turning to the spectre of costs, of the 32 appeals reviewed, eight were accompanied by an application for costs, but in only two of these appeals were costs actually awarded, in both cases because of



**'Wanting for discipline' in Brighton—appeal dismissed**



**'Incongruous' in Earls Colne—appeal for costs dismissed**



**'Heavy and oppressive' in Newcastle—appeal dismissed**

'unreasonable' process, variously because arguments were being:

- inappropriately applied—for example at the wrong time, when it was too late given earlier decisions;
- inappropriately justified—for example without a clear contextual justification; or
- applied in the absence of a robust planning judgement—for example balancing all relevant factors that should inform planning decisions.

Importantly, in no cases were costs awarded because design was considered an inappropriate concern or any less important than other factors.

## A new era for design in planning?

For decades local planning authorities up and down the country have been reluctant to refuse poorly designed residential and other developments on design grounds. Six perceptions have underpinned this reluctance:

- Design is too subjective.
- Quantity, not quality is prioritised.
- Housebuilders are too formidable to battle.
- Good design takes too long to achieve.
- Design is an afterthought.
- Costs will be awarded on appeal.

Based on the analysis, none of these perceptions are any longer true (some never were). The tide has turned on design quality, and it is time for local authorities to stand up against poor and mediocre housing design, rejecting it when they see it, based on carefully reasoned objective decision-making underpinned by local contextual analysis, an assessment of the planning balance, and relevant national and local policy and guidance on design.

Properly done, the consequences of standing up to bad design are unlikely to be negative and, over time, can help to build a local culture wherein design quality and not design compromise is the expectation. Surely this should be the minimum that we should expect?

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## Notes

- 1 *A Housing Design Audit for England*. Place Alliance, Jan. 2020. <https://indd.adobe.com/view/23366ae1-8f97-455d-896a-1a9934689cd8>
- 2 *Councillors' Attitudes to Residential Design*. Place Alliance, Apr. 2019. <https://placealliance.org.uk/research/councillors-attitudes/>
- 3 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, Jul. 2021. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)
- 4 *Appealing Design: The Evidence of Planning Appeals and the Need to Reject Poor and Mediocre Housing Design*. Place Alliance, Apr. 2022. <https://placealliance.org.uk/research/appealing-design/>



# planning and europe: *adieu ou au revoir?* — part 2



This article draws on a thematic search of the *Planning Resource* archive conducted to establish the frequency with which articles that address European and international issues have appeared since 2003. The archive includes pieces published in *Planning* magazine and the sister publication *Regeneration & Renewal*, which some readers may recall was produced in the heady days of the 'regeneration decade' of the 2000s.

The review was initially undertaken as background research for a project commissioned by the RTP1 which investigated the implications of the UK's departure from the European Union (EU) for the relationship between planning and environmental protection.<sup>1</sup> To get an impression of how professional attention to the world 'beyond these shores' has evolved over recent decades, the archive search was then extended to include material published to the end of 2021, and to explore the frequency of references to other terms related to the European and international context.

An earlier article in *Town & Country Planning*<sup>2</sup> — 'part 1' to this piece's 'part 2' — reported on the frequency of references to the 'EU' and 'European' and reflected on the themes of the articles which contained these terms.

This second instalment reports on the prevalence of four terms — 'international', 'UN', 'global', and 'Brexit' — in the titles and/or text of articles. The numbers of articles containing references to these terms are shown in the charts in Figs 1-3.

It should be noted that the figures are not represented as a proportion of the total number of articles, but simply record the trends in the numbers of articles published which feature the key search terms in their titles or text. This is a fairly basic form of content analysis, and care is needed not to over-interpret the findings. They do, however, provide a general sense of the evolving level of professional attention directed towards the

European and international spheres over the period covered.

## References to 'international', 'global', and 'UN'

To try to get a sense of how the focus of attention paid to contexts and issues beyond the UK has evolved, the archive was searched for the terms 'international', 'global', and 'UN'.

International is a broad term and, as defined in the *Penguin English Dictionary*, an adjective relating to something 'affecting or involving two or more nations', 'known or renowned in more than one country', and/or 'open to all nations; not belonging to a particular country'. It is therefore perhaps unsurprising that over the whole period surveyed — apart from 2011 — it is the most frequently occurring of the search terms.

The highest number of articles citing 'international' in their title or text occurred in 2006, with a general decline since then. There was an upturn, however, in 2016 (the year of the UK's EU referendum) and there has been a sustained rise since 2018 — although not, as yet, to the levels seen in the mid-2000s. This contrasts with a fall in the number of references to 'European' since 2018 and 'EU' since 2019, perhaps suggesting a re-orientation of focus to the 'wider world' since then.

The archive was also searched for the occurrence of the term 'global' in the title and text of articles. This was partly to see if notions such as 'Global Britain' which have been promoted by some exponents of the 'globalist' version of 'Brexit' have had any resonance within planning. It was interesting that for most of the period reviewed — and pre-dating 2016 and Brexit — 'global' was the third most frequently occurring term, behind only 'international' and 'European'. Other than in the years 2003, 2015, 2016 and 2017, it also occurred more frequently than 'EU'. Its use has also risen slightly from 60 instances in 2020 to 63 in 2021. The findings need to be treated with some caution, however, given that the term 'global' is used as a qualifying adjective linked to a range of other terms and concepts.

An examination of articles published since 2018, for example, shows the association of 'global' with words and concepts such as 'climate', 'crisis', 'carbon', 'warming', 'pandemic', 'economy', 'goals for

sustainable development', 'financial crisis', 'temperature', 'emissions', 'investors', 'cities', 'urbanisation', 'competitiveness', 'real estate', 'growth', 'brands', 'market', 'infrastructure', 'Planning Network', and 'population'. In fact, only one use of the Brexit-associated term 'Global Britain' was found. Given the long-standing prevalence of the term 'global', its diverse associations, and the fact that the small rise in the frequency of its recent appearances remains below the peak years between 2006 and 2009, it seems difficult to read too much into the evolution of its use since 2016, at least based on the review of articles conducted here.

The term 'UN' is the least prevalent of those reviewed. The peak year for the frequency of its appearance was 2009, a review of the articles published that year suggesting that this was due in part to the publication of the United Nations Human Settlement Programme's *Planning Sustainable Cities: Global Report on Human Settlements*,<sup>3</sup> the climate change conference held in Copenhagen in December, and the number of articles reporting on these events.

Since that time, the number of references to the UN has been rather low, including, perhaps surprisingly, in 2015, the year of publication of UN-Habitat's *International Guidelines on Urban and Territorial Planning*<sup>4</sup> and the adoption of the *2030 Agenda for Sustainable Development* with its associated Sustainable Development Goals (SDGs);<sup>5</sup> and in 2016, the year of the adoption of the UN's *New Urban Agenda*.<sup>6</sup> There has, however, been a small rise in references to the UN between 2020 and 2021 from 10 to 18, although this is some way behind the levels seen in years such as 2009 (28 references).

## References to 'Brexit'

To try to get a sense of how tendencies in the use of the search terms might be linked to the UK's retreat from the EU, the archive was also searched for references to 'Brexit'. The prevalence and different themes of discussion of European and EU issues in the *Planning Resource* archive since 2003 have been reviewed in 'part 1' of this article,<sup>2</sup> revealing that a range of matters relating to the European context and EU plans, policies, and programmes have been discussed. However, although the term 'Brexit', used to describe a UK exit from the EU, was apparently coined in 2012,<sup>7</sup> it seems only to have made its debut in the pages of *Planning* in 2016, the year of the EU referendum (see Figs 1 and 2 on the pages 285 and 286, respectively).

Perhaps this not that surprising given the wider views in society before David Cameron's decision to

hold an 'in/out' referendum on the UK's EU membership. Monthly surveys of opinion in the UK conducted by Ipsos showed that, as late as December 2015, only 1% of those who responded felt Europe was the most important issue facing the UK,<sup>8</sup> while 'data aggregated over the whole of 2014' showed that only 2% of voters overall—and even only 7% of UKIP voters—ranked the EU 'as the most important issue'.<sup>9</sup> The two years when the term 'Brexit' appeared the most frequently in the archived articles were 2016 (the year of the EU referendum) and 2019, as the tortuous negotiations and parliamentary processes imposed by the decision to leave the EU reached their crescendo. The term was also second placed behind 'international' in 2016, 2017 and 2019, as shown in Fig. 1.

Since 2019, the term has generally featured less frequently, as illustrated by Fig. 2—although there was a slight rise from 2020 to 2021, perhaps a reflection of the fact that Brexit is a 'process' rather than an 'event' and issues generated by the UK's EU exit continue to require attention and generate debate.

## Discussion

This article and the previous instalment have tracked the prevalence of the terms 'European', 'EU', 'international', 'global', 'UN', and 'Brexit' in the *Planning Resource* archive from 2003 to 2021 to gain a general sense of the evolving focus of professional attention directed towards the European and international spheres over the period covered. Fig. 1 shows a fluctuating picture, with 'international' being the most common term for most of the period and 'European' the second most common. The general trend of references to 'European' and 'EU' since 2016 has been downward, even if there was a rise in references to 'European' from 2017–18 and to 'EU' from 2018–19.

In 2021 the incidence of the terms 'global' and 'Brexit' was greater than that of 'European', which fell to fourth place from second in 2020, and 'EU', which remained in fifth place. The term which has risen in use the most consistently since 2018 is 'international'—although not to the levels seen in the 2000s. References to the 'UN' have also risen consistently, although they remain below their highest level, in 2009, and are still fewer in number than references to any of the other terms (including 'European' and 'EU').

Fig. 3 (on page 286) gives a general impression of the overall numbers of articles featuring all the terms in their titles or text. Caution is needed in interpreting what it shows in terms of the overall number of *articles*, as opposed to the prevalence of

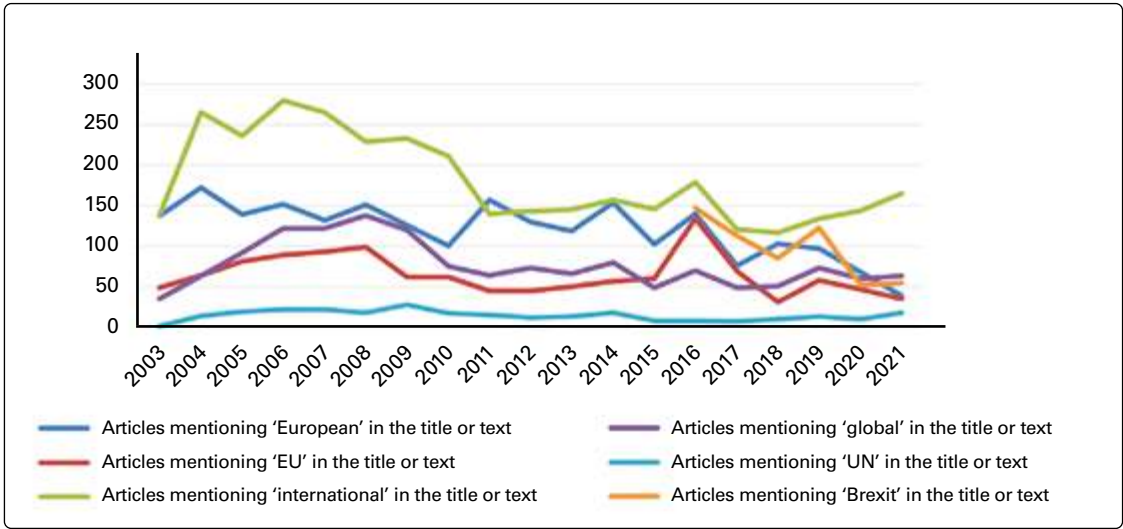


Fig. 1 References to all search terms, 2003–21

the different terms, as the terms were searched for separately and the results have not been screened for double-counting—for example, an article featuring more than one term in its text or title, say ‘EU’, ‘international’, and ‘Brexit’, would be counted three times. But with this health warning in mind, and viewing the findings of the review more *thematically*, there does seem to be less of an international flavour to articles since 2010 in comparison with the middle and later 2000s, with the notable exception of the year of the UK’s EU referendum, 2016.

Postscript 23 June 2022—Brexit, six ans déjà...

The May 2016 instalment of the predecessor column to ‘Europe Inside Out’ in *Town & Country Planning*—‘The Eurofiles’—concluded with the following reflection:

*‘An idea of Europe may be all but dead in Britain, and the uncertain prospects for the idea of planning are frequently discussed in these pages, but it is perhaps Britain’s idea of itself which is really at stake on 23 June 2016’.*<sup>10</sup>

Six years after the EU referendum, almost three years into the Johnson premiership, and nearly two-and-a-half years since the UK formally left the EU, readers may have their own thoughts on ‘Britain’s idea of itself’, and perhaps how the current version of this compares with their own ‘idea of Britain’.

What is clear is that geopolitical events since 2016—even since the publication of the ‘part 1’ of this article in the January–February issue of *Town & Country Planning*—have profoundly transformed the

European and international context. They have, for one thing, sharply exposed the (always geographically, economically, politically, environmentally, culturally and strategically questionable) idea that the UK has a binary choice to make between paying attention to, and playing consequential a role in, the affairs of its home continent, and engaging with the wider world.<sup>11</sup>

‘There does seem to be less of an international flavour to articles since 2010 in comparison with the middle and later 2000s’

The years since 2016 have also starkly underlined the consequences of conflating different concepts and realities, such as ‘theoretical sovereignty’ as a form of notional ‘power over’ things (compare with ‘Take back control’), and real-world ‘influence’—forms of ‘power to’, which can effectively shape and deliver on policy. In the past, for example, the UK influenced the development of legislation, policies and programmes in the EU, including through ‘upload Europeanisation’—the process by which domestic policy approaches come to shape EU policy development.

Two of the most significant UK contributions to the EEC/EU during its time as a member were, for example, of fundamental importance to the topical question of levelling up—the creation of a European regional policy promoted by the UK, working with

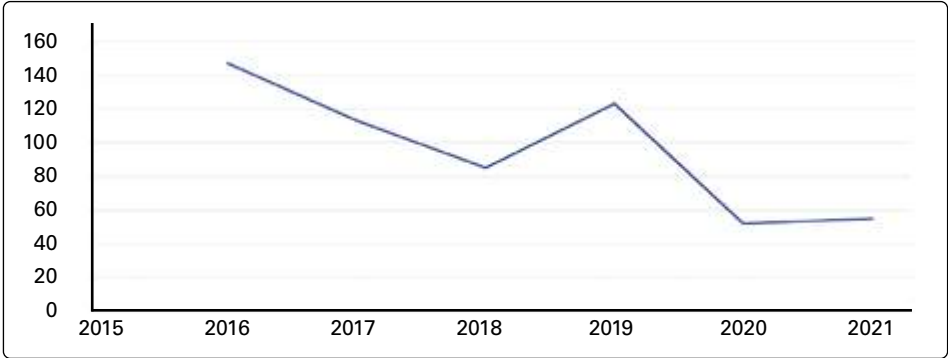


Fig. 2 Articles mentioning 'Brexit' in the title or text, 2016–22

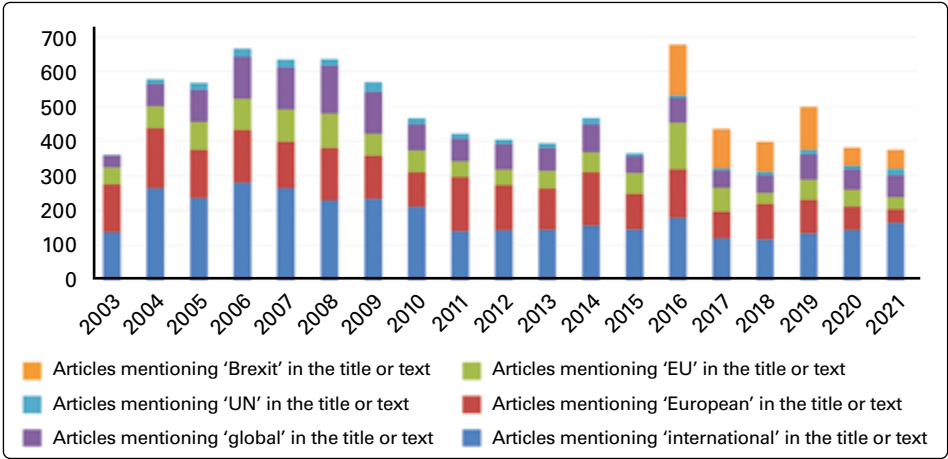


Fig. 3 Total aggregate number of references to the search terms, 2003–12

Ireland, and Italy in the 1970s; and the adoption of the legislative basis for the Single European Market in the 1980s. These enabled development in regions across the UK, notably in those which are in current terms commonly described as being 'left behind'.

Today, since the UK's EU exit, 'year by year, evidence accumulates of the [economic] damage done', and 'overall trade has lagged behind that of similar economies, and business investment has been strikingly weak'.<sup>12</sup> Official figures, for example, show that in the first quarter of 2022 'The UK's trade performance [...] fell to its worst level since records began'.<sup>13</sup> The Organisation for Economic Co-operation and Development (OECD) predicts that UK economic growth will stutter to a stop in 2023, with only the economy of internationally sanctioned Russia performing more weakly among the G20 nations.<sup>14</sup> EU exit is also increasingly being recognised as an additional contributing factor to the spiking of inflation and the cost of living crisis in the UK.<sup>15</sup>

Aside from these trends, at an aggregate UK level, and particularly concerning for those involved in place-making (especially in the left-behind regions

mentioned above), are analyses since 2016<sup>16</sup> which have pointed to the baked-in contradictions between 'Brexit' and 'levelling up'—with recent research again suggesting, for example, that owing to its industrial structure, the North East of England will be hardest hit by the UK's EU exit.<sup>17</sup>

Meanwhile, of concern to academics is the impasse on the participation of the UK in the Horizon Europe research programme, which addresses themes such as climate change, the UN's Sustainable Development Goals, and pathways to competitiveness and growth. Oddly, given its rhetoric about 'Global Britain', the government also decided to 'abruptly end one of the nation's existing (and popular) global funding schemes, the Global Challenges Research Fund (GCRF), along with the decision not to renew a second global fund, the Newton Fund, when it ended in 2021'.<sup>18</sup>

Six years after the UK's EU referendum, the manifest and mounting contradictions and consequences of the Brexit project provide an object lesson in what the planning theorist Andreas Faludi has termed 'the poverty of territorialism'<sup>19</sup> in an interdependent world. An *adieu* scenario in which the UK turns its



back on its immediate geographical context appears even more problematic and self-defeating than in 2016—even if some still to cling to this vision and seek other explanations for its shortcomings.<sup>20</sup>

Despite the obvious challenges of pursuing this path in the current context, a scenario that acknowledges the environmental, social and economic realities of physical proximity and shared interests in global sustainability, security, and other agendas, and that seeks to foster sharing experiences and practices with others in the UK's European neighbourhood and beyond, seems more promising. With its vocation of perceiving and seeking to collaboratively address 'big picture' issues across spatial and temporal scales, and evolving UN<sup>21</sup> and EU urban agendas to engage with, is it too much to hope that perhaps planning might even have a role to play here?

● **Dr Olivier Sykes** is Senior Lecturer in European Spatial Planning in the School of Environmental Sciences, University of Liverpool. The views expressed are personal.

## Notes

- 1 R Cowell, G Ellis, T Fischer, T Jackson, T Muinzer and O Sykes: *Environmental Planning after Brexit: Working with the Legacy of EU Environmental Directives*. RTPi Research Paper. Royal Town Planning Institute, Jan. 2019. [www.rtpi.org.uk/research/2019/january/environmental-planning-after-brexit/](http://www.rtpi.org.uk/research/2019/january/environmental-planning-after-brexit/); and R Cowell, G Ellis, T Fischer, T Jackson, T Muinzer and O Sykes: 'Integrating planning and environmental protection: an analysis of post-Brexit regulatory styles and practitioner attitudes in the UK'. *Planning Theory & Practice*, 2020, Vol. 21(4), 570–90
- 2 O Sykes: 'Planning and Europe: *adieu ou au revoir?*—part 1'. *Town & Country Planning*, 2022, Vol. 91, Jan.–Feb., 66–70
- 3 *Planning Sustainable Cities: Global Report on Human Settlements 2009*. United Nations Human Settlement Programme, 2009. <https://unhabitat.org/planning-sustainable-cities-global-report-on-human-settlements-2009>
- 4 *International Guidelines on Territorial Planning*. UN-Habitat, 2015. <https://unhabitat.org/international-guidelines-on-urban-and-territorial-planning>
- 5 *Transforming Our World: The 2030 Agenda for Sustainable Development*. United Nations, 2015. <https://sdgs.un.org/2030agenda>
- 6 *The New Urban Agenda*. United Nations, 2016. <https://habitat3.org/the-new-urban-agenda/>
- 7 T Moseley: 'The rise of the word Brexit'. *BBC News*, 25 Dec. 2016. [www.bbc.co.uk/news/uk-politics-37896977](http://www.bbc.co.uk/news/uk-politics-37896977)
- 8 A Rasmi: 'Only 1% of Brits cared much about the EU before the 2016 Brexit vote'. *Quartz*, 10 Oct. 2019. <https://qz.com/1725402/only-5-percent-of-brits-cared-about-the-eu-before-brexit/>
- 9 M Diffley: 'Public opinion and the EU'. Ipsos blog entry, 25 Mar. 2015. [www.ipsos.com/en-uk/blog-public-opinion-and-eu](http://www.ipsos.com/en-uk/blog-public-opinion-and-eu)
- 10 O Sykes and A Schulze Bäing: 'An idea of Europe? An idea of planning?'. *Town & Country Planning*, 2016, Vol. 85, May, 208–11
- 11 As he set out the case for the UK to join the then European Economic Community (EEC) in 1962, Prime Minister Harold Macmillan pondered whether 'if we had not turned away from Europe in the Imperial heyday of the late 19th and early 20th centuries, it is even possible that the slaughter of two world wars might have been avoided' — see <https://tinyurl.com/23wvnsv7>
- 12 A Beattie: 'Britain's trade relationship with the EU is needlessly dysfunctional'. *Financial Times*, 22 Jun. 2022. [www.ft.com/content/795cc16a-e4a8-471c-9b8e-a4689075a96a](http://www.ft.com/content/795cc16a-e4a8-471c-9b8e-a4689075a96a)
- 13 C Giles and N Peterson: 'UK trade performance falls to worst level on record in first quarter: Official figures corroborate academic studies showing sharp drop in exports since Brexit'. *Financial Times*, 30 Jun. 2022. [www.ft.com/content/a31b4b8e-f9fc-4f1e-84c1-3632f194d05a](http://www.ft.com/content/a31b4b8e-f9fc-4f1e-84c1-3632f194d05a)
- 14 B Chapman: 'UK on brink of recession and will fall behind all major economies except Russia, OECD warns'. *The Independent*, 8 Jun. 2022. [www.independent.co.uk/news/business/news/oecd-economy-zero-growth-forecast-g20-b2096438.html](http://www.independent.co.uk/news/business/news/oecd-economy-zero-growth-forecast-g20-b2096438.html)
- 15 R Partington: 'Brexit is making cost of living crisis worse, new study claims'. *The Guardian*, 22 Jun. 2022. [www.theguardian.com/politics/2022/jun/22/brexit-is-making-cost-of-living-crisis-worse-new-study-claims](http://www.theguardian.com/politics/2022/jun/22/brexit-is-making-cost-of-living-crisis-worse-new-study-claims)
- 16 R Ortega-Argilés and P McCann: 'How Brexit will hit different UK regions and industries'. *The Conversation*, 9 Feb. 2018. [www.independent.co.uk/news/business/news/oecd-economy-zero-growth-forecast-g20-b2096438.html](http://www.independent.co.uk/news/business/news/oecd-economy-zero-growth-forecast-g20-b2096438.html)
- 17 S Dhingra, E Fry, S Hale and N Jia: *The Big Brexit: An Assessment of the Scale of Change to Come from Brexit*. Resolution Foundation, Jun. 2022. <https://economy2030.resolutionfoundation.org/reports/the-big-brexit/>
- 18 'UK's rupture with Horizon Europe is totally unnecessary'. Editorial. *Nature*, Vol. 606, 23 Jun. 2022, 623–24. <https://doi.org/10.1038/d41586-022-01676-1>
- 19 A Faludi: *The Poverty of Territorialism: A Neo-Medieval View of Europe and European Planning*. Edward Elgar, 2018
- 20 The Institute for Brexit Policy has recently blamed the 'declinist mentality' of 'ruling elites in Westminster, Whitehall and the professions' (surely not planning?) for 'holding back' 'Global Britain' at a time when 'the country's international standing in terms of economic and military might and cultural influence [is] marginally higher than it was when King George I was on the throne'. The authors warning of the dangers of 'defeatist elites' include Professor Robert Tombs of the University of Cambridge, former Tory leader Sir Iain Duncan Smith, former Australian Foreign Minister Alexander Downer, Professor Gwythian Prins of the LSE, and foreign policy experts from the King's College War Studies Department and Cambridge University' — see <https://centreforbrexitspolicy.org.uk/press-releases/defeatist-elites-hold-back-global-britain/>
- 21 Such as that of the World Urban Forum, held on 26–30 Jun. 2022 in Katowice, Poland

## connections

**Paul Burall** — in his final ‘Connections’ column — on nuclear and solar power, rainfall and city shape, and the risks in driver-assistance systems



### Slow nuclear

Nuclear-power enthusiasts have leapt on the ever more urgent need to reduce carbon emissions to promote new nuclear power stations as the best way to tackle the problem. For example, EDF—the lead developer of the Hinkley Point C power station—claims that nuclear energy has one of the smallest carbon footprints of any electricity source and is ‘essential to our response to climate change and greenhouse gas emissions’.

However, opponents point out that such power stations take more than a decade to build (Hinkley Point is currently nine years behind its original schedule). More damaging still is the fact that the cost of nuclear energy is considerably higher than that from renewables.

One way of overcoming some of the problems is to use modular, mini nuclear power stations, an approach backed by Boris Johnson. However, researchers at Stanford University in California have found that mini power stations could produce up to 35 times more low- and intermediate-level radioactive waste per unit of electricity than a large conventional reactor.

Three years ago, the 2019 *World Nuclear Industry Status Report* stated that nuclear energy is being outcompeted by renewable energy sources and is an inefficient solution to carbon emissions:

*‘Stabilizing the climate is urgent, nuclear power is slow. It meets no technical or operational need that these low-carbon competitors cannot meet better, cheaper, and faster.’*

But some EU countries still see nuclear power as a key part of tackling carbon emissions. The EU marked the final day of 2021 by presenting the 27 member states with a draft regulation designating natural gas and nuclear power as ‘green’ fuels for electricity generation. If the European Parliament and member states approve, nuclear and gas will join renewable sources such as wind and solar energy on a list of technologies approved for private investment and EU financial support, starting in 2023.

I suppose it is too much to ask them to look at the evidence?

### And slow solar

Driven not just by a desire to cut carbon emissions but also by the need to reduce its reliance on Russian fossil fuels, the EU is proposing making rooftop solar panels a requirement for all new buildings, explaining that ‘solar electricity and heat are key for phasing out the EU’s dependence on Russian natural gas’. Solar PV costs have plunged more than 80% in the last 10 years, but the technology still generates little more than 5% of the EU’s electricity. Among other policies, the EU is considering requiring all suitable public buildings to install solar systems by 2025.

One somewhat strange development is the suggestion that a pigment found in tomatoes — lycopene—should be added to the thin films now being used for solar panels. The powerful antioxidant properties of the pigment make the panels more stable, reducing the drop-off in efficiency by about 8% after 3,500 hours, six times better than current panels. The pigment also improves the efficiency of the panels in converting light into power.

### Business as usual

Great Yarmouth Borough Council recently gave planning permission for 171 new homes despite being warned by planning officers of the ‘small size’ of some of the houses, the ‘restricted’ shape and size of gardens, and ‘car-dominant’ street scenes. A quarter of the homes will provide space that is ‘considerably lower’ than is recommended by Nationally Described Space Standard. The development is the penultimate phase of a neighbourhood that will eventually provide 700 homes.

The officers recommended the scheme for approval because earlier phases of the development had already been approved to similar standards and the homes themselves already had permission in principle.

One councillor objecting to the proposal said that he thought the council had a responsibility to ensure that:

*‘any properties that are built...are of a sufficient standard to meet the needs of the people who want to occupy them. Who is going to set the standards? Is it the builders...or the council? I believe it should be the council.’*

Agreeing, another councillor pointed out that ‘we already build houses that are generally smaller than those on the continent...and this a backwards step’.



Every time I come back from a trip to Europe I bemoan the fact that street furniture in the UK is, in general, banal. I just wish that we could have bollards, car park barriers, lamp posts and sculptures as imaginative as those I have come across on the continent — car park barrier at the Estonian State Opera (far left), and lamppost in Germany (left)

## Shaping rainfall

One of the most unlikely research results that I have come across recently suggests that the shape of a city affects the amount of rainfall it receives. Carried out at the University of Texas, the research suggests that roughly circular cities such as London and Dallas have higher rainfall than more triangular cities such as Chicago and Los Angeles.

Recognising that the design of the city can impact flood risk, the team combined simulations of air turbulence and a weather forecasting model to simulate rainfall. They found that circular cities receive 22% more rainfall and at much greater intensity than triangular cities, and that square cities had 8% more rainfall than triangular ones.

'A circular city allows air masses coming from all directions to converge at the centre, creating an intense mixing zone and leading to convection and rain,' concluded the researchers.

## Driver-assisted accidents

Features such as lane-centring assistance and adaptive cruise control are common in many new cars and are intended to make them safer. However, data recently released by the US National Highway Traffic Safety Administration (NHTSA) found that cars using such assistance systems were involved in 367 crashes over the course of more than 10 months. Six of the accidents led to fatalities and a further five resulted in serious injuries.

NHTSA Administrator Steven Cliff said that new vehicle technologies have the potential to help prevent deaths and reduce crash severity, but that there is a need to 'better identify any emerging risks or trends and learn more about how these

technologies are performing in the real world'. The NHTSA has collected data on 392 crashes involving driver-assistance vehicles. While it is not known what a large number of the vehicles crashed into, at least 116 crashes were with another vehicle, including two first-responder vehicles, while one struck a cyclist and three hit pedestrians.

All this should not really be a surprise as evidence from the airline industry has found that pilots faced with a sudden emergency while an aircraft is on autopilot take several seconds to adjust to what is going on around them as their attention has inevitably drifted while the autopilot does their job for them.

## Effective messaging

Hotel bedrooms nowadays often have notices asking guests to help 'save the planet' by turning off air-conditioning or taking shorter showers. But a trial carried out at sites in Australia, France and the UK has shown that enabling guests to opt in through a tablet or mobile phone is more effective, reducing electricity use by up to a third more than simple notices. Of the first 5,000 people who chose to opt in, only 1 in 10 gave up and opted out.

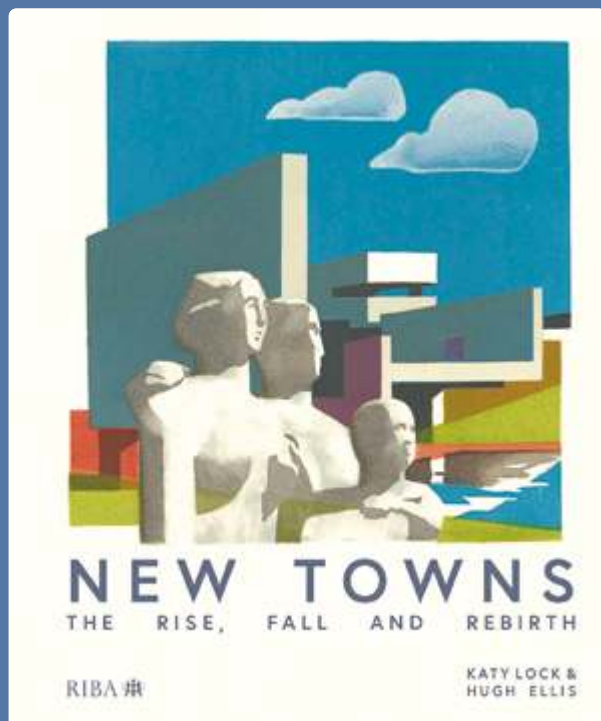
## Disconnecting

I have been writing these 'Connections' columns for more than 20 years and the time has come for me to disconnect. I hope that you have found some of the facts and oddities that I have highlighted either entertaining or informative (or even both).

● **Paul Burall** is a freelance writer specialising in business, environmental and design issues. The views expressed are personal.

**designing new communities for the 21st century**

# new towns: the rise, fall and rebirth



*New Towns: The Rise, Fall and Rebirth*  
By Katy Lock and Hugh Ellis  
Published by RIBA Publishing,  
May 2020, HB, 192 pp  
ISBN 978 1859469286, £40

Often misunderstood, the New Towns story is a fascinating one of anarchists, artists, visionaries, and the promise of a new beginning for millions of people. *New Towns: The Rise, Fall and Rebirth* offers a new perspective on the New Towns record and uses case studies to address the myths and realities of the programme. It provides valuable lessons for the growth and renewal of the existing New Towns and post-war housing estates and town centres, including recommendations for practitioners, politicians and communities interested in the renewal of existing New Towns and the creation of new communities for the 21st century.

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