

a planning revolution under the radar

The most recent round of apparently piecemeal changes to the planning system—undertaken with little openness and little democratic legitimacy—is driven by consistency in continuing the neoliberalising drive to remove the 1947 planning system and democratic and local control of development decision-making, potentially laying the ground for a dramatically changed planning system, says **Tim Marshall**

The planning system in England has been under sustained pressure for many years, with waves of reform proposals battering it and changing its priorities. It is at times tough to judge just where we are in this historical process as we live through it at any one moment. This has led to uncertain reactions to these waves from the public and from the planning profession, as well as from planning academia. There was, for example, a long debate as to whether the Thatcher (and then Major) governments had fundamentally changed the system.¹ At times there has been a judgement that the system has come through a storm and survived intact on the other side. Perhaps the 2010–2012 fight over the National Planning Policy Framework (NPPF) and other issues was an example, although most who have studied it at length in retrospect have concluded that concessions made by government at the time did not fundamentally change the direction of the reforms.²

Planning change post-2010 and post-2019

I argue here that the Conservative drive to change planning has had an underlying consistency, both from 2010 overall and during the post-December 2019 governments.

Before considering the changes themselves, it is worth noting that a major issue with those post-2019 governments is the degree to which they have had the legitimacy to carry through this planning

reform drive. If we go back to the 2019 Conservative manifesto, there was hardly any hint of such reforms. There was a promise to ensure that GPs and school places are in place before development occurs. This, in the form of ‘provide the infrastructure’, has been a long-standing call from Tory heartlands, and must have been a popular promise. That commitment may justify the work on the Infrastructure Levy since then, however ineffectual it has proved so far, but little else. Otherwise, virtually nothing of what has been done has a manifesto basis.

For some reason, this lack of electoral legitimacy has not been stressed by critics of the reforms. But it means that the radical proposals in the 2020 Planning White Paper and the numerous shifts introduced by secondary legislation and policy change, and now by primary legislation in the form of the Levelling-up and Regeneration Act, lack democratic legitimacy.

The underlying consistency involves cutting back planning in many forms, so that more development is not subject to planning control. This involves the ever-growing changes to permitted development rights (PDR), begun in 2012, greatly extended in 2020–2021, and now about to be re-extended in a massive swathe consulted on in September 2023; the related changes to use classes, again especially in 2020; and the cutting back of most kinds of forward planning, with most regional and strategic planning



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removed and local planning weakened greatly by under-resourcing and a continuing and confusing shifting of the rules for making acceptable Local Plans.

But the post-2019 governments have added to this cutting-back list with strong new emphases. These can be analysed in two categories: those that are definite and already in the process of implementation, and those which are emerging or not fully detailed at the time of writing.

My argument here is that if we combine the definite and emerging categories, we can see that the underlying drive since 2010 is taking on a potentially dramatic new shape, for which the term 'planning revolution' would not be exaggerated. This might be described as putting in the foundations and scaffolding for a new system, leaving the vital if perhaps less challenging tasks of actually completing the edifice. This shape then can be interpreted as being the 2020 Planning White Paper 'Mark 2', responding to the fact that the zoning proposals that the White Paper presented were both unpopular and probably unworkable.³ The effect of this Mark 2 would be to drastically cut the remaining discretion available to local democratic actors.

It should be noted that there is little sign that the Conservatives have had a worked-out plan for this change. They have been feeling their way forward, finding paths of lesser resistance, but always guided by an ideological compass, alongside considerations

of political gain. Principles have still been present, above all deepening the neoliberalising drive to remove the 1947 planning system, and taking away democratic and especially local control of development decisions.

Definite elements of the new planning drive

The 2020 White Paper had some elements that have been taken forward with considerable vigour—almost all matters which have not needed primary legislation, and which have been relatively easy to implement, in part out of the glare of any political discussion.

The ***design and 'beauty'*** element is well known. It is now supported by extensive guidance, with headlines now being incorporated into the NPPF, and by institutional innovation, mainly the Office for Place.⁴ Design codes will be required at authority as well as more local levels, with relationships with the development plan to be established. It can be argued that this will in time skew both development plans and development management to a new balance of emphases, raising design quality and 'beauty' (if that ever makes any sense at all in the real world of decision-making) to central considerations and effectively reducing the emphasis given to almost everything else—environmental issues, social and economic goals, even possibly heritage consideration, although that may be more amenable

to being squared with the design agenda. This is probably all music to the ears of design specialists, perhaps especially the architectural profession, but will necessarily divert desperately scarce resources in local authority planning units from other priorities.

The second key area clearly identified in 2020 is the **digital drive**. This may seem innocuous to many and clearly builds on a long-term shift to digital management across society and government at all levels. But in the case of planning it will carry particular governing and technical baggage with it, which arguably could allow the complete reshaping of the planning system in England (and maybe in the rest of the UK, given the tendency for the devolved administrations to adopt English reforms).

Planning has not been like many licensing or regulating services—run like the benefits service or the Passport Office as a large national system, almost completely digitised now, with, of course, in these cases no political or consultative input. But the dream of some political and administrative actors must surely be of moving to something nearer that model, and the digital standardisation of both development management and development plans is a step which would greatly help with such a shift.

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The unit set up in the Department for Levelling Up, Housing and Communities to progress digital planning change has been busy running pilots with local authorities since 2020, and we may expect full implementation to follow within the next two to three years.⁵ On its own this will evidently facilitate the work of the larger consultancies and development companies, particularly in taking over more tasks previously run by local authority staff—the outsourcing driven forward since 2010 (and to a lesser degree before) has seen many councils contracting out their planning functions. It is explicitly designed to promote the 'PropTech' sector. But it is potentially surely even more significant than that, if combined with other elements of the emerging package.

A third element is the cutting back of planning contained in the **PDR and related changes**. This clearly weakens planning overall and makes plans of all kinds of less significance. Less planning may mean less political relevance, as people learn that another part of societal decision-making has been removed from public control.

Closely related to this is the continuing **weakening of local authorities** generated by financial cuts. It is widely understood that, without good resourcing, planning cannot be an effective public service. Governments know this, but keep cutting back in any case, suggesting that this is quite acceptable to them, and that it can be understood as part of the consistent drive I am presenting here.

Another element has been the use of the **standard method** to determine desired housing levels in each locality. This has been hard to manage, but the current incarnation brought in at the end of 2021 allows spatial differentiation according to political requirements, putting the weight of housing allocation pressure on the larger cities, mostly in the hands of Labour councils, and taking pressure off Conservative-managed areas. In the context of this discussion, one can imagine this instrument being regularly fine-tuned to give maximum gain for party-political purposes, but importantly this could be integrated with National Development Management Policies (see below).

If this sounds in some way connected to some sort of national spatial strategy, we can be sure that this is not what the Conservatives have in mind, at least in any coherent and explicit form. A Labour government might possibly take the instrument more in that direction, if it chose to continue with a standard method for housing targets.

A fresh element of the recipe, now incorporated in the Levelling-up and Regeneration Act, is the scheme for **'street votes'**.⁶ This has been pressed by the same right-wing think-tanks that had a major influence on the 2020 White Paper, and can be seen as offering encouragement to the far-right libertarian agenda, whereby as much as possible of what was previously in the public realm is converted into commodified forms, to be resolved by monetary and commercial means and eventually, if possible, taken into the field of private law (beyond public control, as proposed long ago by Pennington⁷ and others).

This element is one of several 'Trojan horses' contained in recent governmental proposals which offer scope for significant extension if seen as successful in some manner. Observers do not seem to have noted the major issues of principle involved in the street votes idea, which is embedded in deeply marketising principles. One reason why this blindness has affected some commentators is that the localism drive of 2011 has to some extent legitimated the taking of very local elements out of democratic electoral control, above all by Neighbourhood Plans. Supporters of such plans may not like being placed in the same zone as street votes, but I would argue that the legitimation of very local planning by these means potentially paves the way for further gutting of more genuinely democratic planning carried out at higher levels, where the really serious issues facing society can be addressed much more effectively.

A final definite element is the change of **environmental regulation** generated by Brexit. While the exact nature of the Environmental Outcomes Reports system is still unknown, there is a considerable risk that it will provide less impetus to environmental improvement and dealing with carbon and biodiversity challenges—even though the previous EU-set regime was far from perfect. This risk is signalled by the impressively consistent failure to incorporate strong green goals into the NPPF and other top guidance ever since 2010.

Emerging elements of the new planning drive

Two elements stand out in the Levelling-up and Regeneration Act. (We should note that this was not called a Planning Act, oddly given its important planning content—another sign of the under-the-radar nature of much of what has happened since 2019.) One remains emergent, the heralded probably radical **revision of the NPPF** proposed now that the Act has passed. But the limited revision of 2023 gave hints of the changes to parts of the plan-making and beauty agendas, alongside the proposed changes to plan-making procedures, with the tortuous and resource-intensive centralisation involved in the proposed three-gateways system. On a definitively new NPPF, the most we can say is that this may be the moment chosen by the Conservatives, if they can get it through while still in power, to pull together most of the elements being surveyed here, in more radical ways than imagined.

The second emerging element is the radical innovation of **National Development Management Policies (NDMPs)**. How these came to hit us is unknown (at least to me), but one wonders whether the long-stated desire of senior civil servants to speed up Local Plan making led to this development, hoping that plans would then be less time-consuming to make—and then Ministers may have seen the potential to combine this with other parts of the emerging package.

Although the content of such policies will, of course, matter, the fact that they will override Local Plan policies is enough to show that a quite different sort of planning system could emerge after the content has been set. It can be argued that this in some degree replaces the aspirations of the zoning schema proposed in 2020, even though it comes at the matter from a completely different angle. The point of the zoning scheme was to reduce the ‘barriers’ imposed by the 1947 planning system, which leaves significant power in the hands of local authorities.

The 1947 system, we may remind ourselves, nationalised—i.e. made public and collectively owned—development rights, but this was managed by a tandem of a central ministry and local authorities. The 2020 zoning schema would have effectively extended permitted development to swathes of the country seen as not needing planning protection.

The Investment Zones of the Truss government would have been another path to such radical deregulation, for the moment set aside.

The NDMPs could, if designed by a government wishing to move in that direction, do some of the same task as the zoning schema, by making nationwide policies. So this would be a different sort of ‘nationalisation’ of (remaining) development rights, putting them more firmly under central government control, doing to the planning system what the 1980s recipe of ‘privatisation plus centralisation’ did more generally.

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It is not easy to imagine quite how this system could develop, and it is quite likely that some of the earliest NDMPs will be for apparently innocuous matters, as well as perhaps targeting any more socially and economically interventionist policies which, for example, the London Plan may have promoted in the past. But the fact of having set up a new centralised instrument offers the Conservatives a chance to ratchet up the controls on local authorities, so that large parts of the digitally generated Local Plans and any other supplementary documents are ‘filled in’ before any plan-making locally is even begun. Discretion in development management by councils and the Planning Inspectorate would be even more hedged in. In fact, the movement space left for local actors would surely be much less than under the so-called rigid zoning systems of most of continental Europe, which all studies show as normally having significant flexibility.

Of course, the same central controls could be applied by a Labour government, and one wonders whether the often only modest criticism from Labour—and in fact from many in the planning field—is because they consider that there is something for them in this new instrument, given the fact that most authorities across England are normally controlled by the Conservatives.

If one combines this with digitalisation and national design codes, and perhaps the deregulation of environmental elements, one can see the possible form of a new national system. This would be stronger than the PPG/PPS/NPPF-plus guidance regimes which have managed English planning for the last 35 years, and could leave local authorities reduced to the role of local adjusters of a system set largely within national government, and run by technical-commercial organisations and processes.

It can be noted that this analysis is a reminder of the potentially very wide range of instruments that national government possesses—primary legislation, secondary legislation, policy and guidance, and resourcing (or not), as well as institutional reforms, such as abolishing tiers of government or agencies relevant to planning, and creating new bodies.

The post-2019 governments have been quite well attuned to the astute manipulation of the package of instruments. It would be important for Labour to be aware of the full range of potential instruments, so that when and if in government it takes an integrated approach to revising the full set, rather than flailing around with a disparate and sound-bite-friendly shopping list.

Implications for Labour policy options

A major implication for the Labour Party is that, should it win the 2024 general election, it may face a planning system in full transitional mode towards a quite new state. This does not mean that Labour has to accept such a new direction as a *fait accompli*, but it does mean that a very strong hand on the tiller of government would be needed to reverse or change the direction of movement.

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Very sharp decisions would be faced on which parts of the package should be pushed on towards their concluding implementation and which parts might be stopped in their tracks or redirected.

Of the parts reviewed here, we can imagine that much of the digital drive will be unstoppable, and will be seen by many as desirable, with the same probably applying to the design agenda, if with some significant tweaks. The same might apply to the neighbourhood planning arrangements, although how street votes and other possible hyper-localist innovations might be seen is less certain.

The key decisions will probably be on which parts of the centralisation drive to largely retain, and then on what content to give to these central steering

and control mechanisms (if retained). The traditional approach of Labour governments has been to change the content to meet their priorities—probably at present addressing carbon challenges, delivering other strong green policies, and meeting affordable housing needs and local and regional regeneration agendas. But the rebuilding of local government could also be part of the main goal, which would clash with the emerging standardised, disciplined and centralised planning system being imagined here. The Brown Commission of late 2022 nailed its colours to a strongly localist conception of constitutional change, and if this were seriously adopted it would move the direction of change away from a strongly centrally controlled, standardised and digitised NPPF and NDMP system.

Core message

I am trying not to over-claim—that the suggested trajectory is definite and upon us. But I also do not want to risk under-claiming, as it is important to be aware of the already large (and potentially very large) changes under way. The core message is simple: that something which would lead to a total change to the way that planning has hitherto been undertaken has been generated over the last four years, with little openness and little democratic legitimacy; and that we would do well to take a bigger-picture view of this than we have been doing up to now.

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Notes

- 1 A Thornley: *Urban Planning under Thatcherism*. Routledge, 1993, Second Edition
- 2 E Shepherd: *Liberty, Property and the State: The Ideology of the Institution of National English Town and Country Planning*. PhD thesis, University of Cambridge, 2017; and E Shepherd, A Inch, J Sturzaker and T Marshall: 'Ideology, statecraft and the 'double shuffle' of conservative planning reform in England'. *Town Planning Review*, 2024 (forthcoming)
- 3 T Marshall: 'The White Paper's ideological core'. *Town & Country Planning*, 2020, Vol. 89, Sept./Oct., 304–306. Also see T Marshall: 'Assessing the Levelling Up White Paper'. *Town & Country Planning*, 2022, Vol. 91, Mar./Apr., 96–100
- 4 See 'Office for Place — Our vision and principles'. Webpage, at www.gov.uk/guidance/office-for-place-our-vision-and-principles
- 5 See the Department for Levelling Up, Housing and Communities' Digital Planning Programme website, at www.localdigital.gov.uk/digital-planning/
- 6 See the *Street Vote Development Orders* consultation paper issued on 22 Dec. 2023, available at www.gov.uk/government/consultations/street-vote-development-orders-consultation/street-vote-development-orders
- 7 M Pennington: *Liberating the Land: The Case for Private Land Use Planning*. Institute of Economic Affairs, 2002. <https://iea.org.uk/publications/research/ liberating-the-land-the-case-for-private-land-use-planning>