

The Planning White Paper
“Planning for the Future”

Centralising power while decentralising
blame?

Consultation response by Planning Oxfordshire’s
Environment and Transport Sustainably (POETS)

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POETS (Planning Oxfordshire’s Environment & Transport Sustainably) is a group of senior planning, environment and transport professionals and academics focused primarily on planning and transport in Oxfordshire. For more information go to (www.poetsplanningoxon.uk)

Executive Summary

The government's Planning White Paper, published in August, promises a completely new planning system which is "simpler, clearer and quicker to navigate". These are laudable principles. However, the published proposals would undermine local democratic control and give developers and landowners unprecedented influence over what is built where.

POETS wish to see a planning system that is rooted in democratic involvement and control, where local people and their elected representatives have meaningful influence over what happens in their area. It should be one which focuses on improving health by increasing active travel, providing ready access to green space, improving air quality, addressing the climate emergency, and providing sustainable employment and *genuinely* affordable housing, largely through increasing the supply of social rented housing.

Key Proposals in the White Paper¹

1. It proposes scrapping existing local plans and replacing them with plans to be prepared in 30 months. These would allocate land into three zones: growth areas, where planning permission would be automatically granted; renewal areas (such as large parts of existing towns), where there would be a presumption in favour of planning permission, potentially subject to certain criteria; and protected areas (such as AONBs) where there would be much greater restrictions on development. These zoning proposals could be accompanied by design codes to give some control over building types.
2. Local plans would be subject to a single, as yet undefined, “sustainable development test” which would replace all other tests and assessments
3. Funding through S106 agreements and the Community Infrastructure Levy would be replaced by a National Infrastructure Levy, to be paid on completion of the development.

POETS Concerns

4. The proposals **undermine local democratic involvement** in and control of development. They further centralise power over planning, such as in setting housing requirements or the infrastructure levy. For example, the government’s new methodology for calculating housing numbers will mean that Oxfordshire would face more development than has ever been proposed in the past. In addition, most policies would be set at national level, with little or no scope for local discretion. The proposed zoning system, coupled with the relaxation of permitted development rights, means that most control over what development happens in a particular locality passes to landowners and developers: local councillors and residents would have little or no involvement once the zones had been established. In a further illustration of how the proposed new system is tilted towards developers, the White Paper proposes “that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal” [p 37]. There is no reciprocal proposal for planning authorities to be compensated for their costs if the applicant is unsuccessful at appeal, no matter how ill-founded the original application.
5. The White Paper praises **zoning planning systems** in other countries, stating that “In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK” [p 14]. While this is true, and indeed the poor space standards in UK housing have been the subject of long-running campaigns by the RIBA and others, it is largely due to the cost of land in the UK (not addressed in the white paper, despite having been an issue for well over a hundred years – something that POETS have addressed in a previous paper² - and neglects to mention key aspects of other zoning systems. For example, in European countries using a zoning system local authorities are well-funded, and have significant powers to acquire land compulsorily at close to existing

use value and parcel it out for development. There are no such proposals in the White Paper.

6. There is **little evidence** to underpin the government's proposals. For example, the government claims that the planning system is a major barrier to building enough houses. However, nationally about 1 million homes with planning permission have not been built, as developers bank permissions until market conditions are favourable; relying on developers to bring prices down does not work. Moreover, 90% of planning applications for new housing are determined within 13 weeks or the time agreed with the applicant. These results echo the findings of the Letwin review 2018³ and past reports from parliamentary select committees⁴ but the White Paper makes no reference to them. There is the occasional unattributed anecdote [e.g. on p 13, p 39], but this seems a flimsy basis on which to promote the biggest shake up of the planning system for over 70 years. Where there *is* evidence - for example from the Building Better, Building Beautiful Commission on the very harmful impact of the extension of permitted development rights to allow the conversion of offices to housing⁵ or from Dr Ben Clifford et al's July 2020 report to MHCLG⁶ on the quality of homes delivered, the White Paper fails to mention it. Indeed, the government has recently further extended permitted development rights to remove still more development from local democratic control.
7. Scrapping S106 agreements, which currently account for 88% of planning gain, will make it more difficult to secure infrastructure and affordable housing. While a simplification of the existing infrastructure funding system might in theory be welcome, the proposed **infrastructure levy** would not help as it would be paid after a development's completion. This would exacerbate the problem of necessary schools, open spaces, public transport, etc. not being provided until years after residents have moved in, if at all. The White Paper's suggestion that local authorities might borrow in order to forward fund infrastructure and affordable housing is unlikely to be popular with cash-strapped councils; tax payers would effectively be subsidising loans to developers and landowners who should be providing infrastructure funding up front. Moreover, the levy is likely to prove regressive, favouring areas with high land values at the expense of less prosperous localities – the exact opposite of the Prime Minister's promise to “level up” the country
8. Some areas of planning are completely overlooked. These include minerals, waste, water resources and energy, all of which are likely to figure prominently in Oxfordshire under the government's growth proposals.

Fundamental Issues largely ignored

9. Firstly, the **lessons from the impact of the current pandemic**, receive scant attention including:
 - The importance of clean air, green space, and active travel

- The contribution of these aspects to health, particularly obesity, diabetes and mental health, and the fact that this has significant cost implications for the NHS
 - The growing importance of online activity, particularly for work and shopping, and the potential implications of this. For example, a decline in office and retail space could free up considerable space for housing in town centres
 - The importance of good quality housing, particularly when people have to spend a lot of time at home. Adequate space, good insulation, and ready access to a good outdoor environment are all critical to physical and mental health and wellbeing.
10. Secondly, any review of the planning system should make addressing the **climate emergency** its top priority. An emergency surely calls for urgent action, yet the White Paper's proposals do not appear to be coordinated with government strategy on such things as decarbonising transport or increasing active travel, nor ensuring compatible land uses across a wider-than-local area. Indeed, it is striking how little attention appears to be paid to the relationship between the location of homes, jobs, services, travel and flood-risk alleviation – which should be central to good planning.

Conclusions

11. POETS do not believe that the White Paper will achieve its declared objectives, and will undermine local involvement and decision making in the planning process. We have already set out the sort of planning principles that we would like to see⁷. We have also made suggestions as to how it would be possible to plan for transport in a more sustainable way: by greater use of online activity, by dramatically improving resources for both active travel and public transport, and by abandoning proposals for major road building^{8,9}.
12. Critical to our vision is the belief that planning must involve genuine democratic involvement¹⁰. Many decisions about what development takes place where are inevitably controversial, with different interest groups having different views about the future of their localities. To some extent local planning authorities still act as mediators in this process, despite the government's constant tinkering with the planning system over the last decade.
13. Provided it has democratic legitimacy, planning has a key role to play: in providing high quality homes in well-planned communities; in securing sound infrastructure when it is needed; in promoting health and well-being; in protecting and encouraging biodiversity; and in combating climate change.
14. However, the proposals in the White Paper risk destroying what remains of the public's trust in the system. Local councillors are likely to find themselves in the unenviable position of taking the blame for decisions over which they have little or no influence.

References

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