

## Planning for the Future.

**A response to the consultation paper by Professor Alister Scott BA PhD MRTPI**

This is an individual response but draws on research and evidence compiled during my period as a NERC Knowledge exchange fellow. This is based on work funded by Natural Environment Research Council (award NE/R00398X/1). The main evidence sources for this response come from <https://mainstreaminggreeninfrastructure.com/> which is the main web portal for the project.

### **1. What three words do you associate most with the planning system in England?**

Too much change

Since 2010 the planning system has been in a state of continual reform and incremental change. Indeed, many of the changes proposed in the white Paper are dealing with the cumulative impacts of too much change imposed without evidence and evaluation. Indeed, the problems with the planning system are often identified, diagnosed and proposed in policy silos with few studies looking holistically at all the connections across the built and natural environment<sup>1</sup>. Such approaches risk perverse outcomes as planning is more than building houses or protecting the environment. Few analysts adopt this wider lens; yet it is critical to use when wholesale reform is being countenanced.

Viability, duty to cooperate and CIL are all part of the conservative government's recent planning agenda to improve and simplify planning. Yet now these are being abolished seemingly as they themselves have added to the confusion and complexity.

Here concern over the further loss of strategic planning functions is deemed highly problematic particularly in light of a report I have produced on how to improve strategic planning for nature conservation submitted to the Planning Advisory Service in March 2020 as part of a request from MHCLG<sup>2</sup>.

In 2019 the NPPF was revised with further changes to make local plans discretionary with strategic plans becoming mandatory. It also introduced a nationwide assessment formulae for housing need if I understood it correctly.

I was especially disappointed to read the White Paper's critique of the planning system in section 1.3 with section 1.8 then trying to say that successive conservative governments had gone some way to fix it. This is nonsensical given that viability and duty to cooperate are being abolished.

Furthermore the evidence I have collected with workshops with ADEPT and other

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<sup>1</sup> See Leach et al 2019 <https://www.sciencedirect.com/science/article/pii/S0264275118303093> on Reading Cities.

<sup>2</sup> This report has been due to be published for several months now and contains important evidence for MHCLG on the value of strategic planning. However the White Paper seems to be moving in the opposite direction without any evidence.

Government and policy stakeholders tends to dispute that the problems are due to the planning system itself. The whole land market and development pipeline needs to be looked at as well as the political nature of some planning interventions. All too often the planning policy and permission part has been a convenient scapegoat. I believe that some of those currently experienced have more to do with the pace and scale of changes to planning made under the austerity agenda with limited evidence and evaluation and to build on the lessons learned. The RTPI report on resourcing planning<sup>3</sup> also emphasizes this. I also believe that “build build build” are also not the best three words to use with current planning reforms<sup>4</sup>.

There is a need to manage change to best advantage based on evidence; not change for its own sake. Change imposes huge burdens on planning authorities, particularly under austerity and declining staff resources and cuts. Consequently, there has been little chance to measure the impacts of changes introduced as within a few years more change is introduced. However, the CLG select committee NPPF 2 years on inquiry in 2014 signaled significant concerns that still apply today. These are reproduced below as it is my expert view that the White Paper fails also to address any of these points.

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*“First, we must take steps to ensure that the planning system delivers the sustainable development promised in the NPPF. We should ensure that the same weight is given to the environmental and social as to the economic dimension; that permission is only given to development if accompanied by the infrastructure necessary to support it; and that the planning system places due emphasis on the natural environment.*

*•Second, all councils must move much more quickly to get an adopted plan in place: this will give communities increased protection against the threat of undesirable development. We call for a statutory requirement for councils to get local plans adopted within three years of legislation being enacted<sup>5</sup>.*

*•Third, we must address the complex issue of land supply. Provisions in the NPPF relating to the viability of housing land are leading to inappropriate development: these loopholes must be closed. There also needs to be clearer guidance about how housing need should be assessed. In addition, local authorities should be encouraged to review their green belts as part of the local planning process.*

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<sup>3</sup> <https://www.rtpi.org.uk/policy/2019/november/resourcing-public-planning/>

<sup>4</sup> Scott (2020) Is ‘build build build’ really the best way forward for England’s planning system? <https://www.architectsjournal.co.uk/news/opinion/is-build-build-build-really-the-best-way-forward-for-englands-planning-system>

<sup>5</sup> Note that this is only 6 months more than the current proposals.

•*Finally, changes should be made to ensure the NPPF gives greater protection to town centres. The internet has changed the way we shop; town centre planning policy must therefore evolve too. We call for an end to permitted development that allows shops and buildings used for financial and professional services to become homes without planning permission, a policy which is undermining the local planning process*<sup>6</sup>.

The recommendations were not accepted by the government in its response. Moreover, the development-led focus of the current white paper is confirmed in paragraph 2.1 where it states “*The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area*”. To me that is the wrong starting point; you surely need to start with a collective idea of what kind of places you actually want to create<sup>7</sup>. The fix on housing or development is vital but only forms part of the bigger picture. Once you have that you can start to address the three pillars. **The white paper does not really have in place that vision that provides the solid base upon which to metaphorically build the three pillars and that makes them quite vulnerable to collapse (continuing Boris Johnsons analogy of removing the asbestos from the roof).**

## **2(a). Do you get involved with planning decisions in your local area? [Sometimes]**

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**2(b). Other** – I tend to focus my attention on getting involved with the local plan consultation process as this is currently where the key impact will be. It is unfortunate that most publics do not fully appreciate this and tend to get involved when planning applications come forward but within the plan led system by then it is too late. This does fuel widespread cynicism with attitudes of the public towards consultation with my own research finding that they have a view of why bother anyway<sup>8</sup>. The settlement plans and policies therein will largely predetermine the decisions despite claims made in this document about vague policies. The tests of soundness and need for deliverability help strengthen many local plans. They are vastly improved from the aspirational documents they once were and I feel the governments attacks on the local plan process fails to recognise this.

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<sup>6</sup> CLG Select Committee (2014) Operation of the National Planning Policy Framework <https://publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf> Note also that work by Ben Clifford et al has been most influential here highlighting how permitted development has caused a significant decline in the quality of planning <https://www.rics.org/globalassets/rics-website/media/knowledge/research/research-reports/assessing-the-impacts-of-extending-permitted-development-rights-to-office-to-residential-change-of-use-in-england-rics.pdf>

<sup>7</sup> Scott 2020 Is Build Build Build really the best way forward for England’s Planning System <https://www.architectsjournal.co.uk/news/opinion/is-build-build-build-really-the-best-way-forward-for-englands-planning-system>

<sup>8</sup> Scott AJ (2011) Beyond the conventional: meeting the challenges of landscape governance within the European Landscape Convention; Journal of Environmental Management 92 (10), 2754-2762

### **3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Other please specify]**

In principle I agree but not everyone has access to broadband and the need to ensure that all groups participate and are actually listened to is key. To help it may be useful for people to register with the LPA to find out about plans and indicate their preferred mode of access. I would be happy for all modes including paper to be available and deposited in libraries, community groups and other public places to ensure equality of access.

Key to me about access, however, is the language, visibility, accessibility and readability of plans that matter together with the need to move away from plans being seen as objection led. It should be about making responses. Plain English is important in planning to make it more understandable. The current fetish to PDFs is madness in the 21C and I am pleased to see more focus on E planning but it also has to be recognized that such files can be extremely large and in some areas that may be impossible to download.

### **4. What are your top three priorities for planning in your local area?**

Drawing from a recent workshop held with ADEPT<sup>9</sup> in January 2020, the key priority is to have first and foremost a (1) **shared vision** of the kind of places that we are trying to create. The White Paper is sadly lacking in an overall vision itself here. This needs to be based on a (2) sound and up to date **evidence base** so as to understand what success looks like. As part of that we need to understand how the planning challenges all link up and to try and diagnose them collectively rather than in our silos. So the (3) **health, biodiversity, climate change, social justice and economic challenges need to be seen together as part of a more holistic treatment plan**. However, all too often they are identified and diagnosed in different pillars, chapters or sectors and then treated separately leading to disintegrated development<sup>10</sup>. Thus planning should also be seen as part of the positive and equitable management of the built and natural environment rather than just as a restrictive tool. Here the lack of connection with sustainable development is a major concern.

### **5. Do you agree that Local Plans should be simplified in line with our proposals?**

At first glance this seems a good idea but the devil is in the detail.

First, I am concerned that throughout the white paper it is stated that local plans have vague and general policies. This is used to advance the case for their replacement. Some of this may be true but many of the policies in these plans are reworded from the NPPF as the white paper acknowledges. This repetition is problematic but also as Scott and Hislop (2020)

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<sup>9</sup> ADEPT is the Association of Directors of Environment, Economy, Planning and Transport  
<https://mainstreaminggreeninfrastructure.com/outputs-page.php?what-does-good-strategic-planning-for-nature-conservation-look-like->

<sup>10</sup> See Scott et al (2013) Disintegrated Development at the Rural Urban Fringe Disintegrated Scott (2011) : Re-connecting spatial planning theory and practice Progress in Planning 83 1-52  
<https://www.sciencedirect.com/science/article/pii/S0305900613000214>

found in their assessment of NPPF policy wording for green infrastructure there was vagueness and weak wording which led to its vulnerability<sup>11</sup>. We have also found evidence of strong policies in plans and also this ties with PINS reports where plans have been found sound. It needs to be acknowledged that the quality of local plans depends critically on following the NPPF which in itself is a key test of soundness that has to be passed.

However there is an inherent simplicity and attractiveness to this threefold type of division of areas for development, protection and regeneration. But it is those concepts which do not conveniently fit into these categories that can, all too easily, get sidelined. In existing local plans we are seeing the identification of strategic sites (growth areas) where most housing and industrial development will be delivered. So this zone is very much building from the present land use allocations. For the second zone, I do worry about the use of the term “gentle densification” which in itself is vague (something that is frowned upon in the white paper) and thus might mean very different things to a housebuilder as opposed to an ecologist.

In par 2.8 areas of flood risk are rightly excluded but under climate change it is equally important to recognize areas of water scarcity also. These impact on many parts of England where currently active housebuilding is going on<sup>12</sup>.

The areas of protection seem to cover only statutory designations with the addition of green belts and local wildlife sites with no mention given to local landscape designations and wider countryside which is valued. I would assume the term non statutory sites might be a better more inclusive term<sup>13</sup>. However this fails to take into account the role of green networks of green infrastructure which may permeate out/around both non-green belt and green belt areas and provide important greenspace vital for delivery of ecosystem services such as climate change mitigation; health and well-being as evidenced through Covid 19. It is unclear to me how landscape-scale concepts championed under the Lawton review<sup>14</sup> fit into this three-fold zoning proposal and I would argue that we need to see the environment as an asset that indeed is part of an environmental growth agenda. There is a risk of perpetuating the fallacy that protection is somehow anti-development<sup>15</sup>. Perhaps the answer here is to consider a wider and more strategic landscape scale zone which coincidentally may help with the replacement of the duty to cooperate.

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<sup>11</sup> 5 Scott and Hislop (2020) What does good green infrastructure policy look like  
<https://www.interregeurope.eu/perfect/news/news-article/9015/what-does-good-gi-policy-look-like/>

<sup>12</sup> <https://www.theguardian.com/environment/2019/mar/18/england-to-run-short-of-water-within-25-years-environment-agency>

<sup>13</sup> See my own work on these sites in Wales and Scotland Scott AJ and Bullen A (2004) Special Landscape Areas: Conservation or Cosmetics Town Planning Review 75 (2) 205-230 and Scott, A.J. and Shannon P. (2007) Local Landscape Designations in Scotland: Opportunity or Barrier to Effective Landscape Management? Landscape and Urban Planning. 81, 257-269

<sup>14</sup> Lawton Review  
<https://webarchive.nationalarchives.gov.uk/20130402170324/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

<sup>15</sup> See Scott and Hislop (2020) What does good green infrastructure policy look like  
<https://www.interregeurope.eu/perfect/news/news-article/9015/what-does-good-gi-policy-look-like/>

**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

Within paragraph 2.13 there is the idea that current policies in local plans are vague and generalised and tend to duplicate the NPPF. This is problematic given the increased reliance on NPPF to provide the policy context. The very vagueness that the White Paper criticises stems in part from the vagueness inherent in the NPPF. This needs to be addressed in the proposed review this autumn. However the focus on density, scale and height limits in the White Paper neglects the wider context of a development in terms of the green infrastructure requirements and wider landscape impact. Here the value of the Building with Nature Standards framework<sup>16</sup> might be useful to factor in here so as to ensure that this part of the development jigsaw is not just an afterthought but an integral part of the design. Furthermore the tool developed by myself and Hislop to test the strength of policy might be usefully adapted for the national standard policies particularly in light of the assessment we carried out for the NPPF.<sup>17</sup>

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<sup>16</sup> Building with Nature <https://www.buildingwithnature.org.uk/how-it-works>

<sup>17</sup> <https://mainstreaminggreeninfrastructure.com/project-page.php?green-infrastructure-planning-policy-assessment-tool>

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Par 2.14 *“The crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development”* also raises many more questions than answers. What do design codes look like; is the wording absolute ; (might, should must). How should LPAs resource such collective inputs with existing staff and resources. To me the design codes should be prepared with the local plan as integral parts of the local plan and not separated as bolt-ons. Otherwise this will dilute the SD golden thread that should run through these white paper reforms but is conspicuous by its absence. In my view there is an opportunity space to still have strong and evidence based policies that are part of the design codes. The separation within the white paper (par2.16) is not helpful here.

It is also very difficult to comment on proposals as in par 2.15 for machine reading of policies and codes when a planning assessment necessarily involves more than reading words used. Here the integration of assessments and plans is key and I worry that some of the professional skills of planners are being bypassed here for the false economy of time relying on as yet unproven software platforms. The problems of algorithms hardly needs rehearsing here.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

No

I did feel that the tests of soundness were a useful way of testing a plan across England for consistency. I also feel that some of the core claims within the white paper should be used to create a revised test of soundness. **For example, around the concepts of social justice, effective participation (not just involvement), beauty, environmental limits , climate change** etc.

However, the loss of SEA/SA process is worrying. Currently within the white paper there is no definition of SD advanced. It is thus unclear what this balanced and fast track assessment process will look like. Indeed there is nothing on what this will look like yet we are being asked to approve it on trust? The white paper criticizes vagueness of local plans but then generates vagueness in far greater extent. To me the SEA/SA process has not been used in the manner it should have been. Quite rightly the paper criticizes the often huge documents that produced as a self justifying exercise. Rather than use the assessment to help build better plans, it was often used to justify a chosen plan retrospectively<sup>18</sup>. Like any tool it is how it is used that is key. Again there is an inherent attractiveness of simplifying a complex

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<sup>18</sup> See critique by levet and therivel and also examples of good practice.

<https://www.rtpi.org.uk/research/2018/january/strategic-environmental-assessment-seasa-for-land-use-plans/> work also undertaken by myself as part of the UKNEAFO has shown how this can work more effectively.

<https://neat.ecosystemsknowledge.net/SEA-tool.html>

system which is often more akin to a box ticking burden than something that helps build better plans. Herein lies the problem in my mind; the assessment process is seen as a burden to be reduced rather than as a process that can build better outcomes. Work undertaken by Scott et al (2014) on mainstreaming ecosystem services into the SEA process helped identify how this might be addressed<sup>19</sup>.

### **7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

This is a big area of concern for me given the lack of strategic planning proposals in the white paper itself. To me the loss of strategic planning in 2010 was a grave mistake with again its abolition based on ideological principles rather than any evidence or evaluation. The replacement Duty to Cooperate was a political fudge but again I am not aware of any systematic evaluation of the DTC thus far and its abolition without a suitable replacement vehicle proposed threatens to consign strategic planning further into the margins. Yet to me it is working within this bigger strategic planning picture that offers the solution to many of our current “wicked” problems associated with climate change, biodiversity, health and well being and post Covid economic recovery. The lack of emphasis on strategic planning is a major critique that runs through the white paper. There is a focus on looking inwards rather than to collaboration and joint problem solving. **I have produced a report for the Planning Advisory Service as part of a contract on strategic planning,. My focus was on nature conservation but that in itself failed to appreciate that strategic planning should not be siloed. I recommend to MHCLG this report which I believe you commissioned. A draft is available on request subject to approval from the Planning Advisory Service.**

The focus of the white paper is on local plans (good). But the NPPF (2019) removed the core status of local plans to be replaced by strategic plans so I am a little confused by this U turn. Where do strategic plans fit into this reformed planning system?

The DTC played an important role for Local Planning Authorities to discuss matters of strategic importance. However, this was poorly implemented in my view, focused on housing and employment growth to the exclusion of just about everything else. The South Downs provides an important exception here<sup>20</sup>. However, good planning requires local authorities to work together. In particular, the environment fails to respect administrative boundaries as evidenced by climate change, COVID-19, green infrastructure and biodiversity. Thus water catchments where flooding/drought issues arise demand more attention via good water resource management as work shows under the NERC funded ICASP Integrated catchments project in West Yorkshire.<sup>21</sup> Recent work on improving

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<sup>19</sup> Scott et al 2014 The NEAT tree UNEPWMC  
[https://neat.ecosystemsknowledge.net/pdfs/strategic\\_environmental\\_assessment\\_ecosystem\\_proofed\\_tool.pdf](https://neat.ecosystemsknowledge.net/pdfs/strategic_environmental_assessment_ecosystem_proofed_tool.pdf)

<sup>20</sup> Scott et al (2018) Mainstreaming ecosystem science in spatial planning practice: Exploiting a hybrid opportunity space <https://www.sciencedirect.com/science/article/pii/S0264837716306421>

<sup>21</sup> ICASP <https://icasp.org.uk/> See also work by CIRIA on Delivering better water management through the

strategic planning for Nature Conservation (in press) made an number of recommendations. Given their significance they are reproduced here.

*“7.1 Strategic Planning is a process and an outcome.*

*It is recommended that combined/local authorities focus equally on the process by which strategic planning takes place as much as the outcome. In so doing, provision needs to be made for up-front investment to manage a deliberative participatory process involving partnership building and securing the necessary representation and commitment from all key interests. Allied with this it is important that strategic planning for nature conservation does not take place in its own silos but is situated within a much wider cross policy dialogue.*

*7.2 Mainstreaming the natural environment in strategic planning*

*It is recommended that combined/local authorities make greater efforts within the strategic planning process to mainstream nature conservation interests moving away from reliance on their environmental credentials alone to highlight, through their evidence bases, their contribution to delivering economic , community and health and well-being benefits. Plans should have strong and positive environmental references and policies outside the environment chapters. Climate change and biodiversity decline provide powerful political hooks to enable this.*

*7.3 Nature conservation as a strategic issue within Duty to Cooperate*

*Building on 7.2, it is recommended that combined/local authorities use the opportunities provided by biodiversity and climate change hooks to strengthen the case for explicit inclusion within duty to cooperate discussions and associated statements of common ground. Here the goal is to secure environmental priorities and opportunities into the strategic planning process at the outset.*

*7.4 Strategic planning for nature needs to be strategic; working at the landscape scale*

*The RTPI (2015) recognised the need for strategic planning to be strategic and work across boundaries so as to avoid duplication. It is recommended that combined/local authorities use the landscape-scale as the focus for framing and bounding nature conservation evidence and issues making these sources open access within more publicly accessible interactive maps. It is also important that ALL the ingredients of landscape scale; spatial, multifunctional, temporal, governance and emotional are used collectively in the strategic planning process to inform DTC and other tools.*

*7.5 Strategic planning works best with bundles of tools and strong governance*

*There are many tools to help deliver strategic planning outcomes. It is recommended that combined/local authorities focus on bundles of tools rather than rely on one tool as a magic bullet to achieve their outcomes. Here combining regulatory, incentives and participatory*

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planning system (C787F)<https://www.ciria.org/ItemDetail?iProductCode=C787F&Category=FREEPUBS>

*tools produce the most resilient outcomes. However, this needs a strong governance framework that can unite disparate and competing interests across political divides. In particular natural capital assessments, ecosystem assessment opportunity mapping, biodiversity net gain, community infrastructure levy, impact assessments and wider payment for ecosystem services schemes were identified as suitable candidates for closer scrutiny and use in combination as strategic tools.*

#### *7.6 Harvesting the growing environmental vocabulary*

*There is a rapid growth in new nature conservation concepts which poses significant challenges for combined/local authorities to respond in a fast-changing policy environment with limited resources. Currently natural capital features most prominently but it is important for strategic planners to understand how ALL these concepts relate to each other and to translate them into effective policies which effectively support each other. Crucially, policies should be framed positively with strong wording with associated guidance to help their implementation.*

#### *7.7 Monitoring success*

*Within a strategic planning process there is an urgent need for effective long term monitoring of policy interventions. Combined/local authorities need to ensure enough resource to do this. There is also a role of Research Councils and other funders to resource long term monitoring programmes”<sup>22</sup>.*

I still feel that the DTC has a valid role and thus should be better incorporated within existing natural regional planning related to catchments. Currently there are already catchment management groups in place (in response to the Water Framework Directive) and it makes sense to take a catchment based-perspective given extreme nature of our weather events and natural geographies would create useful integration of housing, economy and environment in a way that the current LEPS and LNPS<sup>23</sup> does not. A return to regional planning would be seen as politically unacceptable given their “pickling” in 2010 and thus using catchments would help local authorities tackle water management , climate change and other issues within new geographies. I would argue that such plans would be strategic overlays and would not just be environmental however.

### **8 (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

Other

Is there not already a standard method already introduced in the NPPF (2019) for this<sup>24</sup>. I

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<sup>22</sup> Scott AJ (2020) Improving Strategic Planning for Nature Conservation, March 2020

<sup>23</sup> LEPS (Local Enterprise Partnerships) and LNPS (Local Nature Partnerships)

<sup>24</sup> MHCLG (2019) <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>  
Further clarified by Barton Willmore <http://www.bartonwillmore.co.uk/Knowledge/Intelligence/2019/New-PPG-clarifies-methodology-for-assessing-housin>

am confused here but the principle of a standard method that takes into account constraints and also opportunities is welcome. I observed many LPAs having to defend their own methods at local plan inquiry, causing huge delay and creating an adversarial nature to the plan which had huge implications if method was found problematic.

The figure of 300, 00 homes annually is stated in the White Paper without sufficient evidence of the need. However, I would argue that the figure should be broken down to targets for types of housing need. So for social housing, executive housing, retirement housing, first time housing and even council housing. This would be really helpful as an absolute number can often hide more than it reveals and we need to build the right types of houses in the right places; not just meet a quantity metric.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

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I do not. The concept of environmental limits needs to be recognized as well. Here this goes beyond simple flood risk to include measures of water scarcity and other environmental and health and well-being factors. Indeed the Oxford Cambridgeshire Arc<sup>25</sup> would be problematic here if such measures were introduced given the extra development in areas of water scarcity. **We are creating future problems by building in the wrong places.** Here the quality of homes being built and their connection with supporting infrastructure and services is key and often disintegrated. Unfortunately the government sanctioned rise in permitted development has exacerbated this problem.

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

Not sure.

There is value in having these simplified planning zones which can attract developers in but it is still equally important that there are provisions for high quality green space in such areas given the dangers for high densification and poor quality here. We do not want to prevent people living here having access to good quality greenspace and other vital community infrastructure and services that make places work. Hence the design codes need to ensure that there is also quality built in and that beauty isn't something for elsewhere. There is also a need within growth areas to have a SD led approach where the economic, social and environmental aspects are still delivered and considered from the start. I favour here local development orders as the principal delivery vehicle.

It is important to recognize that growth areas as currently conceived mention brownfield sites and some of these are important for nature conservation.

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<sup>25</sup> This was referenced in a NERC workshop held in London in January 2020  
<https://mainstreaminggreeninfrastructure.com/outputs-page.php?strategic-planning-for-nature-conservation>

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

Not sure.

Similar concerns here as to 9a. The design codes would need to have clear criteria of what needs to be met. The avoidance of vague terms like “gentle densification” is a must.

For protected areas in paragraph 235 isn’t permitted development brought back into full planning matters anyway. I think it should be given the scale of permitted development extensions recently announced and the evidence provided by Clifford et al (2020)<sup>26</sup>.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

This should surely depend on the size of the scheme but presently I am concerned by the different planning regimes that seem to fragment our planning system. It can also change the goalposts of local accountability and decision making.

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**10. Do you agree with our proposals to make decision-making faster and more certain?**

No

This might be acceptable for development management processes given the focus now on the local plan. Clearly if the plan had identified these zones beforehand as proposed in a truly plan led system then quite rightly there needs to be limited engagement over the merits of the development. But here you have to rely on the design and other environmental codes being fit for purpose and having had the necessary community input . I do agree having a technology based system that enables people to navigate plans and applications more visually is long overdue however.

The trouble which has not been identified in this planning reform process is how the focus of protest and opposition will be transferred to the local plans and the different codes (which are supposed to be community driven), given their impacts. Seemingly the white paper wants there to be word leading consultation process (which also costs time and money) but to fit in with a tight timescale for production. I cannot square this circle particularly given the legal right for people to have a say on how such plan might affect them through the provisions in the Aarhus Convention<sup>27</sup>. Subsequent legal and judicial reviews will mean that some of these plans will face huge delays that make a mockery of the 30 month timescale highlighted. I am not sure the government have recognized the full

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<sup>26</sup> Clifford et al (2020) Research into the quality standard of homes delivered through change of use permitted development rights  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902220/Research\\_report\\_quality\\_PDR\\_homes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf)

<sup>27</sup> Aarhus Convention <https://www.unece.org/env/pp/treatytext.html> this matters as there is a legal right for the public to have been consulted upon and listened to. Trying to bypass this.

provisions and obligations of the Aarhus Convention here. This is made worse by the loss of the impact assessment.

### **11. Do you agree with our proposals for accessible, web-based Local Plans**

Yes I do but with one serious reservation. The move towards E planning is long overdue and welcome BUT the resource implications of such a scheme are tremendous. Whilst pilots have been undertaken, there is real concern how resource strapped planning authorities might cope.

Moreover, there are concerns about the roll out of such software and its reliability and cost and effectiveness . There have been other high profile IT disasters. I hope we have learnt the lessons<sup>28</sup>. Furthermore, it must be recognized that not everyone is able to access resources on-line and adequate provision must be made for them. For some this could be to provide access at libraries and community groups who have IT resources.

### **12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

**No**

The trouble which has not been identified in this planning reform process is how the focus of protest and opposition will be transferred simply to the new local plans and the different codes (which are supposed to be community driven) given their impacts. Seemingly the white paper wants there to be word leading consultation process (which also costs time and money) but to fit in with a tight timescale for production. I cannot square this circle particularly given the legal right for people to have a say on how such plan might affect them through the provisions in the Aarhus Convention . Subsequent legal and judicial reviews will mean that some of these plans will face huge delays that make a mockery of the nice timescale highlighted. I am not sure the government have recognized the full provisions and obligations of the Aarhus Convention here. (this is part repetition of point 10)

### **13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

**Yes**

However there is a need to make these plans more inclusive; currently more deprived areas do not have neighborhood plans and they currently demand significant resources and time to prepare and complete. These plans need to be simplified with the necessary local authority support and guidance<sup>29</sup>. More community-based planners to help operate within

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<sup>28</sup> Computerworld (2018) The UK's worst public sector IT disasters

<https://www.computerworld.com/article/3412308/the-uk-s-worst-public-sector-it-disasters.html>

<sup>29</sup> Wargent, M. and Parker, G. (2018) Re-imagining neighbourhood governance: the future of neighbourhood

these new planning reforms might be a useful vehicle to support this.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

As above more community based planning support would be welcome here. The use of village design statements provide a useful previous tool to learn from<sup>30</sup>. There is also a warning here in that not everything should necessarily be digital. Neighbourhood Plans should be prepared to suit the needs of residents.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

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The ability for developers to sit on planning developments is problematic even if permission has been given. This is one of the chief blocks in the planning system rather than the failure to grant planning permission (which stands at 10%). For example in 2017-18, 382,997 applications were granted, which would be more than enough to meet the government target of 300,000 new homes a year<sup>31</sup>. Once a proposal is submitted then it should be delivered in 5 years reflecting a code with triggers for community infrastructure and services upfront as envisaged under the new levy.

**15. What do you think about the design of new development that has happened recently in your area?**

[Ugly and poorly-designed]

I live in Rothbury and commute to Newcastle. I see on my route a whole raft of homogeneous boxes lacking style or design quality along the A1. This is not positive placemaking. Moreover, in Rothbury there seems to be a lot more houses but no change in the infrastructure and local services in what is a small rural centre.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

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planning in England. Town Planning Review, 89(4): 379-402.

<sup>30</sup> VDS for East Northamptonshire [https://www.east-northamptonshire.gov.uk/info/200195/supplementary\\_planning\\_documents/66/supplementary\\_planning\\_documents/8](https://www.east-northamptonshire.gov.uk/info/200195/supplementary_planning_documents/66/supplementary_planning_documents/8)

<sup>31</sup> BBC News New homes to get 'automatic' permission in England planning shake-up <https://www.bbc.co.uk/news/uk-53625960>

I do question whether sustainability is at the heart of the proposals. No explicit definition is given in the white paper and Pillar one leads from the front with chief concerns over the pattern of development rather than the sustainable development and associated vision for the places. In recent work for the Planning Advisory Service workshops were held with ADEPT who challenged this approach based on economic development or housing numbers. The starting point is more about what kind of places do we want.<sup>32</sup>

I also favour using the UN Sustainable Development goals here to rethink and repurpose the planning system particularly with respect to its social justice principles which also were featured in the Prime Ministers foreword<sup>33</sup>. In my view this could and should lead to the creation of extra zones which go beyond the three of growth develop and protection.

### **17. Do you agree with our proposals for improving the production and use of design guides and codes?**

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This section is too woolly and opaque to comment on as the devil is going to be in the detail. For me it is vital that the design guides and codes are integral parts of the local plan process and not seen as somehow separate. The idea that they are built up with required involvement by community is sound and good. I would further that and suggest an element of coproduction but resources need to be made available to achieve this. We need to move beyond consultation which is quite passive towards more active engagement. I worry too much planning consultation can be seen as a tick box exercise to support plans and police already made rather than a partnership to build plans collectively.

I am unsure what the design guide and code might look like. In zoning examples across the world they all look different and the white paper offers no real detail of the model that will be adopted. For many it may well be a rehashing of policies in existing local plans; however it has to be more specific and usable. Crucially it should have strength where “should” and ideally “must” replace “where appropriate”. There is also a fear that the development becomes the focus and issues like the environment are bolted on more as cosmetics rather than treated as equal bedfellows from the start. Indeed this is a critique of the present system. Something that Building with Nature standards has tried to address<sup>34</sup>.

### **18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

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<sup>32</sup> See <https://mainstreaminggreeninfrastructure.com/outputs-page.php?strategic-planning-for-nature-conservation>

<sup>33</sup> 23 UN Sustainable Development Goals <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

<sup>34</sup> See <https://www.buildingwithnature.org.uk/about>

Yes

The implications on planning authorities for the design, production, delivery and enforcement of these new codes are immense. Thus investing in an agency to support this is welcome. However, local authorities also need the necessary resources and that means surely more than one chief officer. The new infrastructure levy will raise some income but there will be a loss of income through usual planning applications pathways. This is a significant loss to local authority budgets. The IT implications, training and upskilling requirement is huge especially so when the two systems are running in parallel over the next few years.

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

Much emphasis has been made on design in both NPPF (2012) and NPPF (2019) but I have seen no evidence of any project failed on design grounds alone. I worry here about the rhetoric rather than the reality. Permitted development has shown that design has been thrown out of the proverbial planning bathwater.,

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

In part.

To me there should be a fast track process for any development that can demonstrate excellence in design and taking account of wider landscape, biodiversity and green infrastructure aspects. Beauty is but one part here. Hence I would support accreditation schemes that have been peer reviewed, market tested with standards such as building with nature<sup>35</sup> and can be used to raise the standards in development. Here they necessarily go beyond beauty to include other multifunctional benefits. This is important to get developments which are beautiful but also multifunctional delivering ecosystem services.

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**20 a Why is there on questions about climate change and biodiversity net gain, natural capital and its place in the planning reforms?**

I have included my own question here!

There are a whole raft of changes associated with the forthcoming environment Bill including mandating Net Biodiversity gain and also the issue of wider environmental gains and nature recovery networks. Tied up with green infrastructure, natural capital and ecosystem services, the environmental vocabulary has greatly expanded over recent years. This brings with it a challenge not only of understanding the individual terms themselves, but also how they interrelate to each other and then to the planning system. Traditionally

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<sup>35</sup> <https://www.buildingwithnature.org.uk/about>

this has been neglected with environmental concepts often considered separately and as bolt ons after other aspects of a project or plan had already been developed<sup>36</sup>. It is pertinent to reflect on how these terms fit within the planning reforms proposed here. For example, the HM Government 25 Year Environment Plan<sup>37</sup> was seen by MHCLG as a separate document to be read alongside the NPPF rather than incorporated within it<sup>38</sup>. I view this as a mistake with a need to ensure that these terms are embedded in the codes and local plans that are to be developed and permeate across all developments. Here the use of nature based solutions might be a useful and positive term to capture the power of nature as an asset rather than as a constraint which I fear is evident in the way the three zones in local plans are portrayed. However, more landscape scale proposals such as nature recovery networks and green infrastructure networks are interesting as they seem to “escape” or fall victim to the simple three fold zonal classification proposed. In such respects there may be a case for a landscape scale zone to take account of these more strategic concepts. I have produced a guide working with other professional bodies that seeks to do this<sup>39</sup>.

## **21. When new development happens in your area, what is your priority for what comes with it?**

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I go back to my strongly held view that new development must not be disintegrated from a vision about placemaking and place keeping (not all development is about building new ; it may and should be about investing in what we already have and improving poorly designed places). As part of that vision I see the need for connecting development with community services, green and blue infrastructure and transport. This requires a more holistic approach to planning than currently I see in evidence and in these planned policy reforms. When new development happens in your area, what is your priority for what comes with it?

I go back to my original view that new development must tie in with a vision about placemaking and place keeping. (not all development is about building new ; it may and should be about investing in what we already have and improving poorly designed places. As part of that vision I see the need for connecting development with community services, green and blue infrastructure and transport. A more holistic approach to planning that currently I see in evidence. (this is a repeat; there appears to be a gap in question 21).

## **23(a). Should the Government replace the Community Infrastructure Levy and Section106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

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<sup>36</sup> There is a whole gamut of evidence collected under my Mainstreaming Green Infrastructure project. See for example [https://mainstreaminggreeninfrastructure.com/outputs-page.php?GI\\_priority\\_challenges\\_workshopFeb17](https://mainstreaminggreeninfrastructure.com/outputs-page.php?GI_priority_challenges_workshopFeb17)

<sup>37</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

<sup>38</sup> Steve Quartermain (2017) MHCLG Chief Planner personal communication

<sup>39</sup> Scott et al (2020) Understanding our growing environmental vocabulary in England Connecting Green Infrastructure, Natural Capital, Ecosystem Services and Net Gains within the English Planning System <https://mainstreaminggreeninfrastructure.com/project-page.php?understanding-our-growing-environmental-vocabulary-in-england>

This is a very complex issue; Section 106 agreements have been used extensively to secure green infrastructure developments and affordable housing related to a particular development, although this has been compromised by viability since 2012. Whereas CIL has been a more strategic concept used for a range of section 123 projects. More recently with the declaration of a climate emergency, this has moved nature based solutions and green infrastructure up the political profile.

Whilst having one tool at a flat rate is simple and attractive it does raise issues of the competing demands for its use and the resulting bun fight. After all it was a conservative coalition government who introduced the community infrastructure levy and viability to add to section 106 agreements.

In my view we have never fully solved the betterment problem. There is still the issue of having need to address the community and environmental needs of an area. I fear that net biodiversity gain will be erroneously seen by some as somehow fulfilling the environmental needs. For me there is a need to have a list of actual projects rather than headings drawn up (with community support) and scored in terms of meeting SD as part of any new levy. This helps ensure that the money is spent wisely and not fed back into local authority and/or planning budgets.

### **23(b). Should the Infrastructure Levy rates be set locally?**

This is a difficult question to answer. One national rate would not capture the huge different in land value capture across the country and even within individual local planning authorities. I therefore tend to favour a locally set rate within national parameters.

### **23(c). Should the Infrastructure Levy aim to capture the same amount of value overall?**

It should be designed to capture more but set across the environmental and social domains. Infrastructure is more than just grey; it is blue and green with the ability to create innovative and cheaper nature-based solutions to present flooding, drought for example.

### **23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

Here the use of tax incremental financing is controversial but ultimately needed. This needs to be based on careful risk assessments learning the lessons from elsewhere. The deliverability of a proposal is key to realizing this.

### **24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

No I think there is sufficient evidence to stop the permitted development rights being

extended. Research has highlighted the damage that PDR does to good planning. Both the NPPF 2 year on select committee report<sup>29</sup> and Ben Cliffords<sup>30</sup> work for MHCLG have cast al light on this. If the government feel duty bound to ignore evidence then the infrastructure levy should be applied to PDR.

**25(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

Yes

There is evidence also that the definition of affordable needs to change<sup>31</sup>. We have a crisis here and I believe as said earlier that the figure of 300,00 homes per year needs to be split into the different categories. There should be an affordable housing quota based on need.

**25(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

Not sure.

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<sup>29</sup> CLG Select Committee 2015 Operation of the NPPF

<https://publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf>

<sup>30</sup> Clifford et al Research into the quality standard of homes delivered through change of use permitted development rights

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902220/Research\\_report\\_quality\\_PDR\\_homes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf)

<sup>31</sup> What is affordable housing House of Commons Library <https://commonslibrary.parliament.uk/research-briefings/cbp-7747/> See also Adam Smith Institute 2020

<https://static1.squarespace.com/static/5b9675fc1137a618f278542d/t/5e784f7e087a892473a3ff8a/1584942982786/Making+Housing+Affordable+Again+-+Full+report.pdf>

**25(c).If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

No comment

**26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

Yes

It should be based on community led identification of projects which does impose more restrictions. This then should become its own code.

**26(a). If yes, should an affordable housing 'ring-fence' be developed?**

Yes

**27. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

I believe the document has been written to be used by those who are computer literate. It is unclear what alternatives are being considered for those who do not have access to PCs or mobile phones. Also there are issues for those who have blindness or visual impairment where the visual impact is becoming a dominant way of showing planning information. Whilst I agree with the thrust of planning moving into E planning territory albeit with then necessary support and investment for local authorities to make the platforms work, then some consideration is needed to look at the needs of such groups. The PDF to accompany this set of planning reforms is not a good example for sure.

### **And finally**

The photograph on the front of the white paper is a poor reflection of the kinds of places we are seeking to create. The lack of greenspace and trees in the town is most noticeable and whilst the houses are colourful this is only one visible dimension of what makes a good place.