

## Written evidence submitted by the Chartered Planners in Academic Practice group to the Levelling Up and Regeneration Bill Committee (LRB35)

### Introduction

CPiAP is the Chartered Planners in Academic Practice group. It is a small group of chartered planners who, as well as currently holding academic posts (including honorary appointments), have also been Chief Executives and Chief Officers of local authorities and hold appointments as trustees and non-executive directors of many housing, planning and regeneration organisations. We came together to make responses to parliamentary and government consultations on planning (and related) policy matters and in particular to ensure that relevant research informed policy. Members of this informal group are listed below.

We focus this submission on matters we think can be done to improve the planning content of the Bill. We welcome many of the changes proposed in the Bill but the changes we are suggesting below will improve the Bill in terms of the government's aim to strengthen the local plan system, to improve the quality of what is built and to secure the infrastructure needed to support it.

### Local Plans

We welcome the strengthening of Local Plans. For far too long England has had only partial coverage of local plans. This has resulted in a policy vacuum at local level, which creates much uncertainty to the considerable disadvantage of both the public and developers. As a result, too many decisions are being taken on appeal and hence by central government and its inspectors. It undermines the very foundations of the NPPF since there cannot be a *'planned system'* if there are no plans.

It is also critical that the role of local plans embraces a range of public good objectives, including providing a secure basis for public and private investment, meeting environmental targets, supporting community wellbeing and as a means for expressing the spatial delivery of a wide range of public policies for urban and rural areas.

The difficulty of preparing local plans has been worsened by the increasing detail required of them in the context of:

- growing and rapidly changing central government policy demands on local plan content (not only from DLUHC but also from DEFRA, BEIS and DCMS) ; as an example of this, there is now a significant need to connect Local Nature Recovery Strategies (a DEFRA initiative) and Local Plans (emanating from DLUHC's requirements) but the connection is not well set out at the moment, the areas covered by both diverge, and there are dangers that if poorly timed, local plan policies could be contradictory or out of sync to the aims and designations set out in local nature recovery strategies
- the growing detail needed to address the risk of an increasingly 'litigious' development industry ever ready to appeal and of a public expecting detailed coverage of their neighborhood.

Another key reason why so few local plans have been prepared and adopted (and are up to date) is resourcing and the lack of professional staff to work on local plans and on development management. The latter tasks have often been prioritised, so that local plan work has been neglected. It is thus imperative that local planning authorities have the staff with the skills

(including digital) that they need. If the government wills the ends of full and up to date plan coverage, they must provide the means for this to be done through incentives and support.

### **Dealing with uncertainty**

Even where there is plan coverage, they are constrained by the fact that the planning system is generally not adept at handling risk and uncertainty which requires that planning must accommodate and be resilient to a range of potential futures. Thus, much time and effort are spent on debating the most appropriate forecasts to use in local plans. What we need is an ability to be nimble at learning and adapting to uncertain events within clear frameworks, rather than spending time on trying to predict and make overly detailed preparation for a defined long-term future. Instead, we should deal with the matters we can know about and think flexibly about possible futures. Hence, we think we should make a clear separation between setting out long-term scenarios and aims, without making specific commitments but rather making those when the (short-term) future is known and predictable within tolerable limits.

This can be achieved if the Bill created a duty for local plans to separate long-term scenarios from immediate commitments with the latter not prejudicing longer-term scenarios, hence creating flexibility to respond to greater certainty and change as the future becomes clearer. This could involve plans beginning with a horizon scanning and scenario building chapter as part of the context (e.g. about achieving net zero, biodiversity recovery, long-term growth plans). Subsequent chapters would set out policies for immediate commitment, followed by an evaluation of how the shorter-term plan policies will help meet these scenarios (or where they will conflict with these, an explicit statement as to why).

### **National development management policies**

In the light of these local plan challenges, there are potential benefits in having a central system of national development management policies (NDMPs) but as currently drafted, the proposed legislation risks increased centralisation and micro-management by central government instead of requiring planning authorities to simplify and digitise local policies and standards. It is also critical to enable local authorities to be able to depart from them if their material circumstances warrant this. These risks can be overcome if the draft legislation is changed to make NDMPs formally part of the development plan unless modified/superseded by local policy and when substantive material circumstances justify an override.

### **Design Codes and Street Votes**

We also see the benefit of standard authority-wide design codes to help speed up local plan adoption but worry that these may risk generating a formulaic approach to design styles and layout across England that does not respect the individuality of each place and its local vernacular. We believe that authority-wide design codes should be a pre-cursor to, and framework for, site-specific design codes for every major development or, in rural areas, codes at a village/neighbourhood scale.

We have major concerns about street votes. Street votes are presented as a means of extending local democracy and achieving densification, especially in suburban areas. What however is proposed will not achieve this and will have unintended consequences (including the potential for side payments being made and outcomes reflecting local power imbalances). It will also produce conflicts which in the end will have to be resolved by elected members anyway, slowing down and increasing the cost of the development process. An alternative and simpler approach (building on other provisions in the Bill) will be for local planning authorities to put in place a street or neighbourhood based design code for streets where densification is appropriate and desired by a community. This is

an approach recommended in the Greater London Authority's draft London Plan Guidance: Small Site Design Codes. Such a code might be included within the authority-wide code if, during the community engagement feeding into its preparation, it becomes clear that communities would favour such an approach.

### **Joining up at the regional/sub regional level**

An important concern is the regional and sub-regional policy vacuum that exists between central government policy and local plans. This vacuum creates significant policy uncertainty (for example about the numbers of new homes to be provided or the central funding available for necessary infrastructure to support new development). We do not propose a return to 'top down' Regional Plans or Regional Spatial Strategies but rather to use existing combined authorities and the intended combined county structures to perform two important roles within a multi-level governance framework sitting between central and local government as enabling bodies: (i) to maintain regional research laboratories with geographic referenced data bases of all relevant spatial data on which local planning authorities can then draw; (ii) to act as the regional body for infrastructure and other funding streams (e.g. the Shared Prosperity Fund) on which local authorities can then draw for relevant spending to implement their local planning strategies (aided by their own S106/Infrastructure Levy funding). These need to be more effectively reflected in legislation. All mayors of devolved or combined authorities should have a strategic planning role so that this concept of a multi-level framework linking central with local government works everywhere.

### **Delivering infrastructure**

We also have concerns about the linkage between plan making and plan delivery. We have concerns about the Infrastructure Levy whilst acknowledging that much of the detail on which to make judgements on this are yet to be revealed by DLUHC. We think that the levy proposals are much improved on the original White Paper ones by giving local authorities the job of fixing rates and thresholds etc. and thus taking local circumstances into account. But we do not think this will secure the simplicity that the White Paper wanted and they also pass significant risk to local authorities. Since the government now proposes to retain S106 for integral infrastructure on all sites and for infrastructure and affordable housing on large and complex sites (which will need to be carefully defined in local plans), the levy will play a smaller role than originally envisaged. Introducing the proposed levy and the changed approach to S106 will inevitably be disruptive and take time to be implemented. Better we think to drop the levy (and the CIL) and amend S106 so that; (i) we have a tariff for all small sites; (ii) retain negotiated S106 for large sites with long build out times (and the flexibility to respond to changing circumstances); and; (iii) use public/private partnerships for major new developments both for brownfield regeneration and for greenfield development like new villages and major urban extensions where partnerships would acquire land paying prices which reflect the proposed uses and planning obligations, borrow for infrastructure and share revenue.

### **Community Land Auctions**

We have reservations about community land auctions and thus welcome the intention to run pilots. The pilots should examine the efficacy of the auction approach in different settings and look particularly at the gains achieved in terms of sites coming forward for development and the costs placed on those administering such a system. We are not convinced that land is coming forward too slowly for development (or being permissioned too slowly) because of the planning system itself. There are other factors at play affecting delivery rates that will not be addressed through auctions. Also, local authorities have different capacities to run auctions, and the stretching of local authority resources, potentially for limited gain, should be another

focus of the pilots. They should also assess how the financial gain of auctions to local authorities and the hoped for speeding up of the flow of land would compare with or complement the role that the proposed Infrastructure Levy and modified S106 arrangements may play.

### **CPIAP members**

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