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Commentary on planning reform proposals

Peter Jones, David Hillier and Daphne Comfort

Introduction

In the ministerial forward to the '*National Planning Policy Framework*' (Department for Communities and Local Government 2012) The Rt. Hon. Greg Clark, Minister for Planning in the Coalition Government focused on two themes namely sustainable development and allowing people and communities back into the planning process. He claimed that '*the purpose of planning is to help achieve sustainable development*' and in looking to offer a definition of sustainable development he suggested that '*sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations*' while *development means growth*' (Department for Communities and Local Government 2012). The Minister also claimed that '*in recent years planning has tended to exclude, rather than to include people and communities*', that '*in part this has been largely a result of targets being imposed and decisions taken by bodies remote from them*' and '*in part people have been put off from getting involved because planning policy itself has become the preserve of specialists rather than people in communities.*' More positively the Minister argued that the new planning policy framework would change that by '*allowing people and communities back into planning*' (Department for Communities and Local Government 2012).

Less than four years later a House of Commons '*Briefing Paper*', entitled '*Planning Reform Proposals*' (Smith 2016) clearly sets out the current Conservative Government's proposed approach to the planning system. One of the proposals outlined in the briefing, namely the Housing and Planning Bill 2015-2016 has received critical comment within the planning profession (Town and Country Planning Association 2016). This bill has been described, for example, as '*possibly the most radical and wide ranging piece of planning legislation for a generation*' (Dewar 2015). However the briefing paper covers a wider range of other forthcoming planning reforms and changes, which will mainly apply to England, and which collectively may have a major impact on many communities and environments. This article provides a short outline of some of these other changes and offers some reflections on the Government's planning reform proposals specifically with an eye to allowing people and communities back into planning and to sustainable development.

Planning Reform Proposals

The Planning Reform Proposals briefing opens by outlining a number '*key Government announcements on planning*' which can be seen to provide a more general policy context for the planning reforms. Thus the Conservative Party Manifesto for the 2015 general election, for example, is described as looking to make it easier for more people to have on local planning issues. The Government's 2015 Productivity Plan allowed the Secretary of State to intervene directly if local authorities were deemed to be too slow in producing local plans and sought to allow automatic planning permission for housing on brownfield sites. In a similar vein the Rural Productivity Plan, published in 2015, included changes which look to make it easier to obtain planning approval in rural areas. In the 2015 Autumn Statement the Chancellor of the Exchequer outlined a number of proposed changes to the planning system which included measures to ensure the release of unused and underdeveloped commercial, retail and industrial land for starter homes and that local

communities can allocate land for housing through neighbourhood plans and to amend planning policy to encourage the development of small sites while looking to protect existing gardens.

Apart from the Housing and Planning Bill 2015-2016 the briefing paper outlined the planning reforms in the Energy Bill 2015-2016 and listed 21 planning proposals announced by the Conservative Government. The planning changes in the Energy Bill will see the removal of large offshore windfarms from the nationally significant infrastructure project development consent regime which means that all proposed wind farm developments will henceforth require local authority planning permission. While it is not appropriate here to catalogue each of the 21 planning proposals a brief outline of some of these proposals gives some indication of the general direction of travel. The National Infrastructure Commission established by the Conservative Government in 2015 to examine the UK's needs for nationally significant infrastructure projects over the next 10-30 years. In introducing the consultation exercise on the operation of the Commission in 2016 the Chief Secretary to the Treasury argued that *'there is no overarching and independent process for assessing the long term infrastructure needs of the nation'* with the ultimate goal of *'helping to make planning policy more responsive and effective, supporting efficient decision-making and delivery'* (HM Treasury 2016).

A number of the planning proposals are designed to 'speed up' the planning process with an underlying focus on facilitating new housing development. Work is underway, for example on *'streamlining'* local and neighbourhood plans, on ensuring that up to date local plans are in place by 2017, the introduction of a *'delivery test'* to ensure that local planning authorities ensure delivery against the numbers of homes set out in local plans and a reduction in the time extensions for statutory consultations. There are relaxations in permitted development rights for borehole drilling to monitor methane in groundwater prior to fracking for shale gas and also in the height of drilling rigs. In the *'Cutting Red Tape Review'*, announced in December 2015, the focus will be on scrutinising the current roads and infrastructure rules for proposed housing developments and on reviewing a number of European Union environmental rules.

There are proposals to change the National Planning Policy Framework with the aim of *'making it easier to build certain housing in certain circumstances'* and of supporting *'the regeneration of previously developed brownfield sites within the Green Belt..... providing this contributes to the delivery of starter homes and subject to local consultation.'* There are also proposals to provide new planning powers for the Mayor of London. These proposals include removing the need for planning permission for upward extensions to existing buildings up to the height of adjoining buildings where local residents do not object. Where objections are received then these will be considered in the normal way with the focus being on the impact on the neighbours' amenity. More specifically three proposals were identified namely a new permitted development right, local development orders and a new London Plan, which *'could incentivise the use of upward extensions.'*

The Government will expect local planning authorities to *'require higher density development around commuter hubs wherever feasible'* in both plan making and in making planning decisions. For these purposes a commuter hub is defined as *'a public transport interchange'* and *'a place that has, or could have in the future, a frequent service to that*

stop.’ With the focus on *‘boosting productivity in rural areas’* the Government will review both *‘the planning and regulatory constraints facing rural businesses’* and *‘the effectiveness of the current planning system for businesses in the rural context.’* The role of the planning system in improving mobile connectivity is also under review with the focus being on assessing the effectiveness of permitted development rights for telecommunications and on permitting taller telecommunication masts.

Discussion

As outlined in the research brief the Government’s planning reform proposals are potentially wide ranging but it remains to be seen how they will play out in practice and it will be some time before any systematic evaluation of their impact can be usefully undertaken. However the extent to which proposed planning reforms look to allowing people and communities back into planning and to help achieve sustainable development merit reflective discussion. Firstly the proposals include some mention of a commitment to *‘give power to local people’* in that *‘neighbourhood planning’*, for example, *‘allows local residents and businesses to have their own planning policies in a neighbourhood plan that reflects their priorities, deliver tangible local benefits and have real weight in planning decisions’* (Department for Communities and Local Government 2015). To this end a pilot programme for local authorities to explore *‘how neighbourhood planning communities can be better involved in planning decisions’* (Department for Communities and Local Government 2015). How this call for greater involvement in plan making and the taking of planning decisions will work out in practice remains to be seen but, in principle at least, it does reflect a commitment to involve people and communities in the planning process.

However it is difficult to escape the overall conclusion that the main weight of the proposals effectively extends the powers of central government over the plan making and planning decisions to the detriment of greater local participation. This would seem to undermine the integrity and independence of local planning authorities while effectively largely ignoring the reality that many large developments that will effectively be centrally determined may have major impacts on communities at the local level. Recent experience does not always suggest that the views of local people and communities are given due weighted when central government becomes involved in, and effectively takes control of, the planning process.

Two examples illustrate this concern. In June 2015 Lancashire County Council rejected two applications to permit fracking for shale gas in June 2015, which was strongly opposed by many residents and community groups. ‘One of the reasons for refusing planning permission at one of the sites was that *‘the development would cause unacceptable noise impact resulting in a detrimental impact on the amenity of local residents which could not be adequately controlled by condition contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EP27 of the Fylde Local Plan’* (Lancashire County Council 2015). Cuadrilla, the developers lodged an appeal three months later. Seemingly, though not explicitly, in response to Lancashire County Council’s rejection of these two applications and perhaps because of the signal it might be seen to send to other local planning authorities, the UK Government announced that *‘shale gas planning applications will be fast tracked through a new dedicated planning process’* (Gov.UK 2015). More specifically a public inquiry into Cuadrilla’s appeal began in February but Greg Clark,

the Planning Minister, rather than the planning inspector who is chairing the inquiry, is to make the final decision.

The Stop HS2 Campaign heavily criticised the final report of the HS2 Hybrid Bill Select Committee published in late February 2016. The campaign suggested that despite hearing evidence from almost 1,600 petitioners the committee declined to recommend many suggested changes and further the campaigners argued that *'the changes they did recommend were minor'* (STOP HS2 2016). In reviewing the Select Committee's deliberations The Chair of HS2 claimed *'Since HS2 was first announced, ordinary people affected have tried to engage with Hs2 Ltd. To solve the issues with the plans that affected them. But they were fobbed off because they were told the HS2 Committee would look at them. However in many cases the committee have gone along with the scheme as presented to them'* (STOP HS2 2016).

That is not to say that central government should not play a key role in determining large scale national infrastructure and economically significant projects but where such decisions are made nationally they should not be seen as part of a package of reforms that *'will let local people have more say in local planning and let them vote on local issues'* (Smith 2016). At a more conceptual level as the Government looks to extend its control over the planning system this also relates to the role of the state within capitalist society, to the relationships, for example, between Government and the large energy corporations and the major house building companies and the locus of power within that relationship. While a liberal democratic model of the role of the state within society would see the role of Government being to distil and reflect the views of the people in its decision making, a model drawn from Marxist political economy would suggest that within a capitalist society the state will essentially act to promote the interests of the capitalist class.

Over two decades ago McDonald (1994) suggested that *'planning should fully incorporate the notion of sustainable development'* and argued that *sustainable development is not achievable in any real way without attention to substance and process of planning as it happens on the ground.'* However with a solitary exception the term 'sustainable development' is conspicuous by its absence from the briefing paper. However sustainable development is a contested concept. While the commonest definition of sustainable development is *'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'* (World Commission on Environment and Development 1987), Aras and Crowther (2008) have argued *'sustainability is a controversial topic because it means different things to different people'*.

There is a family of definitions essentially based in and around ecological principles and there are definitions which include social and economic development as well as environmental goals and which look to embrace equity in meeting human needs. At the same time a distinction is often made between 'weak' and 'strong' sustainable development with the former being used to describe sustainability initiatives and programmes developed within the existing prevailing economic and social system while the latter is associated with much more radical changes for both economy and society. Roper (2012) for example, suggested that *'weak sustainability prioritizes economic development, while strong*

sustainability subordinates economies to the natural environment and society, acknowledging ecological limits to growth.'

In the briefing paper on the planning reform proposals the focus seems to be very much on development, on productivity, on prosperity, on growth and on continuing consumption, rather than on the theme of sustainable development. This position is perhaps epitomised by Kasozi's (2009) suggestion that growth has become '*an unchallengeable imperative*', that *questions of limitation, utility or caution are often viewed as evidence of lack of imagination, insight or courage*', that *'growth is always good and always necessary'* and that challenges to the growth idiom are '*not the substance of true entrepreneurial spirit.*' The Government's position (and that of the majority of the business community) might be seen to be that sustainability and continuing economic growth are compatible not least because continuing improvements in technology will lead to the ever more efficient use of natural resources. Here '*the orthodox view*' is that '*achieving sustainability is a technical issue*' requiring '*better knowledge, incentives and technology*' (Mansfield 2009).

However there are fundamental, if often unpalatable, tensions between sustainable development and economic growth. Basically the argument here is that here are economic growth dependent on the continuing depletion of the earth's finite natural resources, is incompatible with sustainable development. The concept of sustainable consumption, for example, which Cohen (2005) has described as '*the most obdurate challenge for the sustainable development agenda*' is not addressed in the briefing paper. In arguing that '*Europe must take the lead in exploring new model of consumption which does not compromise the needs of others or of future generations, nor damage the environment*' The European Environment Agency (2012) branded '*unsustainable consumption*' as '*the mother of all environmental issues.*' That said within the UK there seems to be little consumer appetite for sustainable consumption and here the European Commission's (2012) recognition that '*sustainable consumption is seen by some as a reversal of progress towards greater quality of life*' in that '*it would involve a sacrifice of our current, tangible needs and desires in the name of an uncertain future*' resonates. Nevertheless Jackson (2006) argued that '*the consumption patterns that characterize modern Western society are unsustainable. They rely too heavily on finite resources and they generate unacceptable environmental costs.*' This position will find little favour with those supporting the current Government's planning reform proposals but it may well strike a chord with those in the planning profession, and those whose interests they look to serve, who are concerned about what Jackson (2009) described as '*an emerging ecological crisis that is likely to dwarf the existing economic crisis.*'

Conclusion

The authors would argue that the current planning reform proposals, as outlined in the briefing paper, offer little opportunity to allow people and communities back into the planning process and that they marginalise sustainable development. As such the proposals can be seen to herald a major departure from the principles seen to underpin the national planning policy framework established barely four years ago.

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