

## RAYNSFORD REVIEW CALL FOR EVIDENCE - THEME 3: The spatial structures of the planning system

A response by the Campaign to Protect Rural England to the Raynsford Review of Planning Call for Evidence.

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How effective are the structures of the planning system in relation to the national, sub-regional, local and neighbourhood scales, and how effective are their inter-relationships?

In order to measure the effectiveness of different structures within the planning system, they must have clear objectives. At present, the focus of national structures is on headline housing numbers whilst local and neighbourhood groups have a much broader remit with housing numbers being one part of the picture. This difference is often a key source of conflict and common and clear objectives between the different structures at different levels are essential for them to be effective.

Important objectives of a planning system, and the themes by which the structures will be measured against, include:

- Delivering sustainable development that plans, monitors and manages environmental, social and economic outcomes;
- Active participation by all stakeholders/ balance of power;
- Accountability and transparency.

As discussed in CPRE's submission on theme 1, the planning system and its policies are not delivering sustainable development. In addition, it has been widely reported on that the introduction of the National Planning Policy Framework (NPPF) in 2012 has increased the time taken for local authorities to develop local plans<sup>1</sup>.

The current presumption in favour of sustainable development creates conflict between economic growth and the environment. This polarisation creates animosity between different stakeholders and groups that diminishes the effectiveness of the planning system.

The discretionary planning system heavily relies on the court system to act as arbiters when the clarity of planning policies is questioned. However, this process takes time and money and may not always be an option open to all.

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<sup>1</sup> For example see Planned and Delivered by [Lichfields, 2017](#); Savills, 2017, [Planning to solve the housing crisis](#)

The different objectives also leads to a lack of consistency and accountability for achieving sustainable development. The localism agenda means that the government often declares one policy, for example protection of the Green Belt, whilst allowing the opposite with local authorities now proposing to release sufficient land from the Green Belt to accommodate over 425,000 homes.

This confusion is exacerbated when decisions by the Planning Inspectorate and Secretary of state lack consistency as highlighted by a recent court case<sup>2</sup>.

### **Subregional**

A recent report finds that the pace of change, removal of previous 'norms' and lack of a template for devolution has led to an incomprehensible administrative landscape<sup>3</sup> that make it difficult for communities to engage in the planning system as big business leads the way. Devolved authorities are encouraged to bid for powers, which means that the outcomes of deals can be uncertain and different places obtain different powers. Devolution deals are highly focused in metropolitan areas and on economic measures. This means that rural areas and the environment may be left out of important discussions about funding and decision-making.

Mayors are seen as a way to enhance local accountability and a local figurehead can drive positive change. For example, the new Mayoral team of greater Manchester are rewriting the regional spatial framework having listened to previous consultation responses. The team are also engaging with local groups, including the local CPRE branch, enabling stakeholders across the planning system get involved and feel like they are being heard.

However, low voter turn-out in these elections illustrate a lack of awareness, support for and knowledge of the possibilities that these roles play<sup>4</sup> and may in the long term diminish how effective they can be.

Sub-regional cooperation is essential for meeting a host of strategic challenges. It can also help authorities share skills and expertise to meet new requirements such as brownfield registers and permission in principle. Additionally having a centralised resource can support mapping which can help the public engage with planning, for example in Greater Manchester. However, the relationship is not always harmonious, cooperation can break down, and mechanisms are essential to resolve conflict or discrepancies when they arise, as well as a need for a consistent approach to enable accurate monitoring.

There are other regional structures that are focussed on particular elements of the system; for example, local enterprise partnerships (LEPs) encourage economic growth and drive development, and local nature partnerships who work together to promote green networks. However, LEPs, in particular are known to lack transparency and accountability<sup>5</sup>.

### **Local**

In the preparation of development plans at all levels, it is essential that all stakeholders are active participants, able to engage with and scrutinise the plan. In a plan-led system - buy in from everyone is essential for it to be effective.

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<sup>2</sup> ASE Baroness Cumberlege of Newick and Another v Secretary of State for Communities and Local Government and DLA Delivery Ltd; Date: 4 August 2017; [2017] EWHC 2057 (Admin)

<sup>3</sup> link

<sup>4</sup> 26% in WM; 29% in GM; 21% in Tees Valley, for comparison 70% voted in the general election

<sup>5</sup> Upcoming CPRE research on LEPs

Once they have a plan in place, local authorities must have the tools to implement it with the correct groups held to account: communities and councils should not be penalised for developers' failure to deliver allocated sites.

In order to be effective, local authorities and their planning teams need to be well resourced and be able to access a range of skills and expertise (see theme 6 response). Our new research (to be published) finds that policies could be more effective if there was more inter-team working and cooperation between policy makers and decision takers<sup>6</sup>.

The current focus from Government of allowing authorities to bid for additional financing means that there is a lack of strategic approach, but is also less likely to meet the country's needs. For example areas that desperately need to build affordable homes may not be successful, or even attempt, to bid for the newly announced pot of cash for councils to build homes.

### **Neighbourhood**

Neighbourhood planning is relatively new structure in the planning system and at present they are not given enough weight in the planning system to be truly effective. In addition to the points raised in CPRE's submission on Theme 4 there is huge variation in the support given to neighbourhood groups by local authorities with some seemingly discouraging their take up. This creates a conflict between the different structures.

Conflicts between levels are exacerbated by poor understanding of the relationships intended between local and neighbourhood plans. For example, the requirement that neighbourhood plans conform to the strategic policies of existing or emerging local plans (NPPF para 184) is rigorously enforced through examinations, even when the detailed scrutiny of neighbourhood planning processes have shown that such strategic policies are sub-optimal. This requirement is also not appropriately balanced with an expectation that local plans respect existing and emerging neighbourhood plans (NPPF para 155); the ability of local plans to trample over up-to-date neighbourhood plans is a key factor in communities turning away from engaging with neighbourhood planning activities.

Similarly, the ability of LPAs to overrule the policies of a neighbourhood plan without any opportunity for challenge from the neighbourhood continues to be a source of considerable concern to communities and needs addressing if neighbourhood planning is to become a mainstream planning activity, rather than a marginal activity.<sup>7</sup>

Neighbourhood plans however, can help engage people in creating a positive plan for the future of their place; in some cases, they allocate more land for development - illustrating that when communities are in control development can be welcomed!

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<sup>6</sup> Upcoming research: Untapped potential under the NPPF

<sup>7</sup> See <http://www.cpre.org.uk/media-centre/latest-news-releases/item/4294-campaigners-challenge-government-to-fulfil-its-pledge-to-strengthen-neighbourhood-planning>

## Is there a case for an English national plan? If so, what would be its scope and governance?

The case for a national approach to land use is more pressing than ever with England's land under an increasing multitude of pressures. The current fragmented approach is failing to address the problems caused by often-conflicting demands: environmental degradation, rising costs and harm to health and wellbeing<sup>8</sup>.

A national land use strategy would go further than Town and Country Planning to ensure all decisions about land are guided towards sustainable development.

The plan should have three objectives:

1. It should aim to guide development to places that can have the capacity to do so
2. It should ensure that development focusses on meeting need before demand<sup>9</sup>
3. It should empower the public to make the engage and participate in decision taking; empower local authorities to enforce plans addressing the balance, which currently places power in the hands of large developers.

Its governance structure should be open and accountable bringing together a diverse range of skills and knowledge.

## What is the role for New Towns legislation in responding to housing needs across the nation?

New Towns legislation, and associated guidance, can play a role in creating clear definitions and criteria for new settlements to ensure that they are high quality, well-planned and well-located and have genuine local consent, as well as securing infrastructure and affordable housing through land value capture (see CPRE's submission on theme 5).

In particular the use of the prefix "Garden" could be better defined following criteria in the Town and Country Planning Association's principles of garden cities<sup>10</sup>, although CPRE has concerns about even these principles continuing to support land-hungry low-density residential development through the interpretation of the insistence on the provision of "homes with gardens" and the failure to uphold the original Garden City population density standard of 30,000 people in a city of 1,000 acres (c. 30 homes per hectare gross). There is currently significant misuse of the term: in early 2017, the Government announced its support for a number of garden towns and villages. However, a number of CPRE branches have expressed concerns about this approach with participation from communities limited thus far, a lack of certainty that

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<sup>8</sup> CPRE Landlines publication can be found here:

<http://www.cpre.org.uk/resources/countryside/item/4534-landlines-why-we-need-a-strategic-approach-to-land>

<sup>9</sup> <https://www.cpre.org.uk/resources/housing-and-planning/housing/item/4677-needless-demand-how-a-focus-on-need-can-help-solve-the-housing-crisis>

<sup>10</sup> <https://www.tcpa.org.uk/garden-city-principles>

proposals will meet genuine need and wider concerns about the need for supporting infrastructure essential for these larger scale projects to work (see annex).

## Case studies: Garden villages

In North Cheshire, the proposed garden village will straddle strategic and local planning: there needs to be consideration of ensuring that the different scales work together to ensure that communities participate in decisions.

The proposed Infinity garden village in Derbyshire and Spitalgate Heath in Lincolnshire are urban extensions rather than garden villages - there is a sense that the label is being misused.

Harlow Garden Town would swallow up villages, affecting their unique character.

In Warwickshire, a former airfield has been allocated in Stratford-on-Avon's core strategy. However, the push for garden villages has resulted in these proposals being halted whilst another site - Long Marston Garden Village, which has local opposition - has been progressed.