

White Paper: Planning for the Future

Consultation Response/Select Committee Response from academics in the Department of Urban Studies and Planning at the University of Sheffield

Introduction

The Department of Urban Studies and Planning is one of the largest and most successful planning schools in the country, with 46 academic members of staff and over 500 students. It was founded in 1965 and runs three undergraduate degree programmes, and seven postgraduate degree programmes. Five of these programmes are accredited by the Royal Town Planning Institute. The Department has a strong reputation for research in planning and development, winning £1.2m in funding in 2020, and undertaking research for UK research councils, UK and international governments, charities, and professional bodies, including the RTPI. The Department has strong links with related built environment fields, co-directing the UK Collaborative Centre for Housing Evidence, and undertaking research in real estate, international development, and urban policy. It engages strongly with practice, undertaking research in partnership with local authorities and other planning organisations and has a long-established Liaison Board of practitioners. It has undertaken research in the past few years into a wide range of planning and development issues, including the valuation of planning obligations, the role and work of planning professionals, the significance of the public interest in planning, community engagement, planning and green/blue infrastructure, and urban design and urban regeneration. Further information is available at: <https://www.sheffield.ac.uk/usp>

This submission has been written by a group of academic researchers working in the Department of Urban Studies and Planning. It draws on research undertaken by academic colleagues in the Department, who have been consulted in relation to this response. Principal authors are Professor Malcolm Tait and Dr Andy Inch, with input from Professor John Henneberry, Dr Madeleine Pill, and Dr Aidan While.

This submission responds to the core themes and proposals set out in the Planning for the Future White Paper.

What is the role of planning in society and does the White Paper set out the right approach?

The English planning system has the potential to form one of the crucial societal mechanisms to tackle the climate emergency, ensure sufficient housing is available to citizens at a fair price, deal with fundamental inequalities in society and the impacts of uneven economic development, protect rapidly diminishing biodiversity, support sustainable growth and quality of life, and create places that have long, sustainable futures. It can play this role because it has the potential to address these issues in a strategic, visionary, and future-focused manner whilst ensuring that citizens are able to contribute in appropriate ways to the planning of places. Ultimately, the planning system should be seen as a public asset and benefit that creates *public* value. That the

current planning system does *not* always do this (or is not always allowed to do this) is a fundamental problem for society in tackling the urgent issues facing the country.

However, the analysis of and approach taken in the White Paper is fundamentally flawed in addressing the potential of planning and its perceived role in preventing new housebuilding. We suggest there are three principal reasons for this:

1. The White Paper fails to appreciate that planning decisions are one part of wider processes of shaping urban and rural areas. Blame is attributed to the planning system for 'blocking' development, without a wider understanding of the other actors involved - notably developers, landowners and their interaction within a flawed and unequal market in land.
2. It casts the planning system as principally a *licensing system for housing*, which fails properly to address the wider contribution of planning in helping to mitigate and adapt to climate change, create and sustain healthy places, address wider processes of urban change, address the relation between planning and mobility and transport infrastructure, and the significance of planning's role in managing flooding and green and blue infrastructure. It is telling that the White Paper mentions 'housing' 95 times, but 'transport' only 5 times and 'biodiversity' and 'health' only 4 times. Climate change is barely mentioned.
3. The White Paper assumes that 'freeing' the market from the 'red tape' of planning decisions will enable quicker development that meets the needs of all in society. Research has consistently challenged the assumptions that (a) planning solely slows development (see below), (b) that an unregulated market is helpful for market actors, and (c) that there is little value in longer-term planning that shapes development and protects the environment compared to a perceived need to build quickly¹. There is little point in building houses quickly if they are not in the right location or built to the right standards to provide valued and sustainable housing over many decades.

We do not argue, however, that the current planning system is perfect. There is certainly lots of potential to improve and enhance the current system. Indeed, successive waves of reform have been based on the same flawed rationale that underpins the White Paper. This has created a system that is publicly devalued, has few mechanisms to engender positive change, and has become increasingly dominated by large and well-funded actors (and particularly the development sector) taking a litigious approach to shaping decisions in a flawed and unequal land market.

A recent ESRC-funded research project undertaken by the University of Sheffield, *Working in the Public Interest?* has shown that many planners and others are highly concerned by the narrowing of focus on housing delivery, and that planners often have highly limited opportunities

¹ Adams, O'Sullivan, Inch, Tait, Watkins, Harris (2016) *Delivering the Value of Planning*, London: RTPi and Adams and Watkins (2014) *The Value of Planning*, London: RTPi

and resources by which to shape development². They have talked of an increasing 'box-ticking' approach and a fragmentation of planning, with commercial imperatives now at the heart of many local authority planning departments rather than the challenges of making better places³.

The White Paper does little to address these concerns, and is likely to make the situation worse through its narrow focus and use of blunt instruments. Alternatives might have included:

- Initiatives to tackle the full range of issues which constrain housebuilding in the UK (as set out for example in the Lyons Review⁴)
- Maintaining the progress made in ensuring that Local Plans meet requirements for new housebuilding, but ensuring that is situated with a wider social and environmental vision;
- Exploring the potential for reform that is evidenced, restores public value in planning, and does not create significant levels of uncertainty.

Many of the assertions in the White Paper are based on very little evidence (for example in relation to the role of planning in hindering housing development⁵) and reveal limited understanding of the underpinning rationale of the planning system (for example in relation to its discretionary logic and the asserted certainty of zoning as an alternative⁶). Furthermore, many of its propositions are fundamentally untested and likely to generate significant complexities, which runs counter to the White Paper's aim to create a simpler system.

Below we will respond to more detailed aspects of the White Paper, in part to highlight the limited evidence upon which the Paper is based and the potential for its untested propositions to cause further damage to English planning and undermine its intended outcomes. Responses are grouped under the key headings in the White Paper.

Pillar One: Planning for Development

Effectiveness of the system and the purpose of planning

Government has traditionally defaulted to measures of the speed of decision-making processes to illustrate perceived problems in the planning system. More recently housing completions have become a core concern. On neither count can the measured performance of the planning system be seen to justify the scale of the criticism levelled at planning. However, neither measure offers an effective means of assessing the effectiveness of the planning system either. This is partly because they track outcomes that are not fully in the control of local planning

² Tait et al (2020) *What planners must do differently*, Report from the Working in the Public Interest Project: <http://witpi.group.shef.ac.uk/research-activities/what-must-planners-do-differently/>

³ Slade, Gunn, Schoneboom (2019) *Serving the Public Interest?* London: RTPi

⁴ Lyons Review (2014) *Mobilising across the nation to build the homes our children need*, https://www.policyforum.labour.org.uk/uploads/editor/files/The_Lyons_Housing_Review_2.pdf

⁵ Tait and Inch (2020) *A critical academic response to the evidence-free debate on planning reform*, <https://housingevidence.ac.uk/a-critical-academic-response-to-the-evidence-free-debate-on-planning-reform/>

⁶ See Booth (2020a) in *The Wrong Answers to the Wrong Questions*, <https://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions>

authorities who do not build most of the houses they consent and whose decisions may be delayed by external factors, including the actions of applicants. More importantly, neither measures the public value of planning with regard to the quality of development outcomes.

The relative effectiveness of the planning system can only be measured if we have a clear understanding of the purposes it serves and the mechanisms available to realise them⁷. As the Town and Country Planning Association's Raynsford Review noted the lack of a clearly defined statutory purpose for planning is a long-standing problem.

A positive articulation of the purpose of planning would therefore be an important step forward in this regard and could provide a much more effective basis for focusing reforms and measuring their effectiveness. This should extend far beyond the limited scope of planning suggested in the current White Paper, however, recognising both an important role in preventing social and environmental harms through the regulation of development and a more positive role in realising shared outcomes for the long-term benefit of society.

The case for a more positive conception of the scope and contribution of planning is clear if we consider the potential social, economic and environmental costs to society of failing to adequately coordinate infrastructure investment with new housing development. The short-term emphasis of successive governments on facilitating development has led to significant numbers of new houses being built that will very soon require expensive retrofitting if we are to have any hopes of meeting legally binding greenhouse gas emissions targets. A more positive agenda for planning, orientated to a clear purpose to achieve sustainable development could have prevented this from happening. In this way, a definition of planning premised on a clear understanding of the long-term societal benefits of careful planning needs to replace the current emphasis on the short-term costs of regulation.

Housing Development and the Planning System

The White Paper argues that the planning system 'does not lead to enough homes being built' (1.3). This, it argues, leads to higher house prices and greater inequalities. Whilst there is undoubtedly a need to build more housing for a growing population and number of households, there is no significant evidence that planning is a fundamental block on the building of new housing. Over 1 million planning permissions have been granted since 2010, but which have not been delivered⁸. This points to fundamental problems in relation to the structure and nature of housebuilding in this country. It is notable that the White Paper almost entirely ignores this aspect of housing delivery, and barely mentions the Letwin Review. The wider operation of the housebuilding sector, including its rigidities and how it reacts to external shocks (such as the

⁷ See Booth, P. (2020b) in the Right Answers to the Right Questions: <https://www.tcpa.org.uk/>

⁸ LGA (2020) Housing backlog: <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

Global Financial Crisis of 2020) is significant in understanding the supply side of housing markets (see for example work by Payne at the University of Sheffield⁹)

Whilst there is definitely a need to diversify the housebuilding industry and ensure more rapid build out of already permissioned sites, the White Paper would do little to address the wider barriers to development. In particular, it does not fundamentally engage with the way in which land markets operate, and the extent to which a shadow market operates to acquire and trade options on sites. Around 60% of all residential planning permissions are held by non-builders¹⁰. Reforms over the past ten years have sought to extend the amount of land designated in local plans for housing, yet this has fueled this shadow market and made little impression on the actual delivery of housing. Under current proposals, land will continue to be allocated for development in a local plan, according to a new centrally-determined formula. Site promoters will still seek to get 'their' land allocated for 'growth' and a market will still exist. A much more effective alternative would be to use the state to acquire land, which is then sold to developers to build within a particular timeframe (as was used in the building of new towns). This would have the added benefit of encouraging housing developers to compete on the basis of the quality of their products, rather than profiting largely from increases in land values.

Secondly, the White Paper would do little to speed up the delivery of housing on allocated sites. The Letwin Review spells out the reasons for slow build-out of sites. The White Paper assumes that by introducing a new zoning/coding system that SMEs will automatically spring up, and that it is merely the costs of seeking planning permission that are a barrier. This is a partial explanation at best, and fails to account for wider issues about buying and assembling land, development finance, and legal issues that play a significant role in inhibiting SME entry to the market¹¹.

Zoning, discretion, and the role of the plan/strategic planning

The White Paper portrays the English planning system as 'discretionary' rather than 'rules based' (1.3). Whilst it is true that it contains elements of case-by-case decision making and does not generally confer rights to develop through plans, it is not in straightforward opposition to 'zoning systems'. Planning systems seek to both generate certainty about future development (for landowners, developers, and citizens) whilst also enabling development to react to circumstance. The White Paper is premised on an assumption that a more 'rules based' system will inevitably be quicker, less risky for developers and yield greater certainty. Comparative work undertaken over many years in the Department of Urban Studies and Planning has revealed a far more complex picture, with zoning or rules-based systems not providing greater

⁹ Payne, S. (2020). Advancing understandings of housing supply constraints: housing market recovery and institutional transitions in British speculative housebuilding. *Housing Studies*, 35(2), 266-289., Payne, S. (2016). Examining Housebuilder Behaviour in a Recovering Housing Market: recommendations for improving Britain's housing supply, Report at:

<http://eprints.whiterose.ac.uk/94664/1/BA%20Research%20Report%20FINAL%20280116.pdf>

¹⁰ Winterburn cited in Bradley (2020) in *The Wrong Answers to the Wrong Questions*, <https://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions>

¹¹ Baker et al (2020) *The White Paper on Planning Reform*, <https://housingevidence.ac.uk/the-white-paper-on-planning-reform-will-the-proposals-increase-housebuilding-and-improve-affordability-in-england/>

certainty and all effective planning systems in practice including mechanisms to balance the need for certainty and flexibility¹². On three measures used to argue for a zoning system, that it is simpler, quicker and more certain, evidence shows this not always to be the case:

- *Zoning as simpler*: zoning assumes that land uses can be simply defined and categorised, enabling straightforward decisions. This fails to reflect the complexities of urban areas, meaning that zoning plans are rarely simple documents. In zoning systems where planning is often considered most effective zoning plans sit within a hierarchy of plans and strategies and include detailed site-specific requirements which take time to prepare¹³. Zoning systems operate on a technocratic assumption that land uses can be rationally ordered and managed over space. This fails to reflect the politics of development - that a variety of different actors have separate interests in land that cannot be rationally accommodated.
- *Zoning as quicker*: whilst some zoning systems may be quicker at processing permits to build, often timescales for making plans are lengthy, particularly as those with interests in land know it is their only opportunity to ensure a site is granted development rights. Developers may be unwilling to bring forward development whilst plans are made or adjusted. Zoning systems do not generally get rid of negotiation, but rather push the negotiation to questions of how the established rules are applied, often leading to complicated trading over exceptions and/ or heightened use of the courts to challenge the legality of plans.
- *Zoning as more certain*: most zoning systems recognise that places and situations are complex and specific, and therefore build in processes to enable departure or variance from zoning rules. Such systems inevitably have a discretionary element to them. Furthermore, where decision makers have latitude to apply zoning rules to certain circumstances, it has been shown that decision making becomes more covert¹⁴

There are also concerns that rules based systems are no fairer in practice. Negotiations over the application of rules and seeking variances are likely to be dominated by powerful groups. Great care needs to be taken to ensure that rules do not discriminate against certain groups, particularly as there may be little opportunity for redress or adjustment once a zoning plan is made. The history of exclusionary zoning being used as a tool to exclude People of Colour from neighbourhoods in the United States is a salutary example of this. Ultimately, a move to a more 'rules-based' system is unlikely to yield the outcomes envisaged by the White Paper, and may entrench poorer outcomes for those unable to find their way around inevitably complex sets of rules. The focus on discretionary decision making as a key problem seems to be overstated. Properly resourced, a discretionary planning system has many key strengths and can be a source of both certainty and flexibility.

¹² See Booth, P., Breuillard, M., Fraser, C., & Paris, D. (Eds.). (2007). *Spatial planning systems of Britain and France: A comparative analysis*. London: Routledge.

¹³ Schulz-Bäing, A. and Webb, B (2020) Planning Through Zoning: <https://www.rtpi.org.uk/research/2020/september/planning-through-zoning/#Toc50368415>

¹⁴ Booth, P. (1993) 'The Cultural Dimension in Comparative Research : Making sense of French Development Control', *European Planning Studies*, 1(2), pp.217-229.

Strategic and sub-national planning

The White Paper is also almost entirely silent on planning between the national and the local scale. The removal of regional planning from 2010, and the halting progress of a variety of city regional plans, has left a strategic gap. Whilst the current Duty to Cooperate system is far from ideal¹⁵, a more positive approach to sub-national planning is required for four principal reasons:

- a) It would enable broader consideration of housing and how and where it is built, with particular concern for issues of affordability. The White Paper's proposals present a national, top-down approach to allocating housing, with little consideration of regional dynamics or markets
- b) Regional planning has distinct strengths when considering issues of environmental change and considering issues such as flooding, reducing carbon emissions, and shifting transport patterns
- c) Understanding economic change requires a larger than local approach - there is a significant danger that local plans will not engage fully with changes to regional economies, particularly if their focus is on housing delivery. Ensuring that homes are affordable and accessible to high quality jobs using sustainable modes of transport is key. Additionally, infrastructure needs to be effectively planned at levels that cross local authority boundaries¹⁶
- d) Regional planning, when carried out effectively, provides a democratic means for communities and citizens to shape the long-term development of their areas. It enables communities to buy into visions for the future of the places they live and work in, and to shape infrastructure. Most European countries have some form of sub-national or regional planning to set a frame for more local zoning plans, and provide an important focus for deliberation

Pillar Two: Planning for Beautiful and Sustainable Places

Design and Beauty and the Planning System

The White Paper sees 'beauty' as a fundamental objective of the planning system, which currently does not accord sufficient attention to design (Pillar 2). That our towns, cities and rural areas suffer from poorly-designed and ugly development is not in doubt. However, there are four core problems in relation to the White Paper's proposals:

- a) It views design very narrowly as 'beauty'. The focus on beauty (drawn from the Building Better Building Beautiful Commission but largely ignoring some of its more expansive recommendations) prioritises a visual and aesthetic approach to the built environment (Proposal 12). It ignores the wider aspect of design that is concerned with how a place functions and meets the needs of those who use it. Good design does not merely create pleasing streetscapes or housing typologies, but prevents flooding, ensures that

¹⁵ Ward, Kirsten (2020) Strategic spatial planning in a devolving governance context: A study of Sheffield City Region, PhD Thesis, University of Sheffield, available at: https://etheses.whiterose.ac.uk/26522/1/Kirsten_Ward_PhD_Thesis_FINAL.pdf

¹⁶ See Marshall (2020) in *The Wrong Answers to the Wrong Questions*, <https://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions>

biodiversity is enhanced¹⁷, promotes active and sustainable travel, generates places that people want to use and are inclusive and accessible to all users.

- b) It sees design codes as the fundamental way in which good design happens. Design codes can be valuable but they have been used in particular aspects of planning for many years, some of which have cemented in poor practice and led to problematic outcomes (e.g. highways design manuals). Good design requires more than following a code, but instead should be a means of responding creatively and inclusively to the needs of place - requiring different actors to work together on sustainable solutions. Codes can provide a basis for negotiation but should not be seen as a short-cut to good design.
- c) It assumes that codes/rules will speed up design processes, but these will require interpretation and are likely to become distinct points of contention, with better resourced actors often winning out in disputes. The speed by which masterplans will need to be set for key growth areas (3.18) will hinder the involvement of community and other actors. More worryingly, the White Paper is silent on who should produce such masterplans, despite evidence that adopted Supplementary Planning Documents are already paid for by applicants¹⁸
- d) It assumes that the problem of poor design is rooted in an insufficient attention to beauty in planning decisions. The deregulation of planning, including the extension of permitted development rights, has enabled developers to escape scrutiny as to the quality of design. Evidence from recent research has shown that planners have little control over substantive aspects of design on schemes¹⁹. The White Paper's focus on speeding up the system and deregulating planning are likely to create worse outcomes for places, being poorly designed and less sustainable

Public Engagement in Planning

The White Paper sets out that the planning system has lost public trust. That there is widespread distrust in society and in the institutions of the state has been noted by many for some time. This has implications for planning and its legitimacy to make decisions about places²⁰, and there is a need to reestablish greater trust between actors. The White Paper is, however, selective in its use of the report by Grosvenor as evidence for this²¹, noting that only 7% of respondents trusted their local council. It did not mention that the same survey found that only 2% of respondents trusted developers. There is clearly a need for communities to feel part

¹⁷ See Choe, Kenyon, and Sharp (2020) Designing Blue Green Infrastructure (BGI) for water management, human health, and wellbeing: summary of evidence and principles for design, Report, available at: <https://www.sheffield.ac.uk/usp/news/designing-blue-green-infrastructure-water-management-human-health-and-wellbeing>

¹⁸ Booth (2020) London Councils take funds from developers to pay for planning guidelines, <https://www.theguardian.com/politics/2020/aug/23/revealed-councils-accept-payments-from-developers-to-fund-planning-guidelines>

¹⁹ Tait et al (2020) What must planners do differently, Report of the Working in the Public Interest Project, <http://witpi.group.shef.ac.uk/research-activities/what-must-planners-do-differently/>

²⁰ Swain, C., & Tait, M. (2007). The crisis of trust and planning. *Planning theory & practice*, 8(2), 229-247.

²¹ Grosvenor (2019) Rebuilding Trust, <https://www.grosvenor.com/our-businesses/grosvenor-britain-ireland/rebuilding-trust>

of decisions that affect them, and to include a wider group of citizens than currently takes place. However, the solution does not solely rest in problematising the role of local authorities in shaping places, whilst not recognising problems with how development processes as a whole are financed, managed, and enabled and how these affect localities.

It is notable that the White Paper makes no mention of the role of elected councillors in local planning. Councillors play an often very challenging role in the planning system where law and policy sometimes require them to vote against the stated interests of their voters. However, by representing the view of their constituents they can provide an important and under-appreciated bridge between representative and participatory democracy, and a means of rebuilding understanding and trust in planning.

The White Paper also argues that the planning system currently gives too much power and opportunity to objectors, enabling existing residents to oppose new development at the expense of the silent majority who are being denied new housing. Evidence has long shown that middle-class homeowners are much more likely to participate in planning and to oppose new development. Although this may sometimes lead local authorities to delay controversial decisions, it is much less clear that their participation is currently effective in blocking development. Indeed, research conducted by Department of Urban Studies and Planning academics for government suggested that the current planning system, orientated towards approving development, is already effective in overriding such concerns - often exacerbating problems of trust by seeming to ignore opponents' concerns²².

The assumption in the White Paper seems to be that opposition to development is a fixed trait which means democratic engagement in planning will inevitably be captured by unrepresentative minorities. There are, however, significant dangers in justifying reductions in opportunities to participate on this basis. The dominance of unrepresentative minorities in public and democratic life is certainly not restricted to the planning process and would not be accepted as a reason to abandon democracy in other spheres. Rather it should be understood as a reason to deepen and extend engagement amongst under-represented groups. Opposition to housebuilding is more correctly understood as a problem of political will than of the institutional structures for democratic planning. Evidence suggests that local actors believe opposition to development can be managed through strong democratic leadership making the case for new housing within a strong and stable policy framework²³. Properly resourced and targeted participatory planning can be part of a democratically legitimate approach to securing consent to new house building²⁴ and can substantially widen engagement amongst under-represented groups.

²²CLG (2017) Attitudinal Research on Financial Payments to Reduce Opposition to New Homes https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/624633/Attitudinal_research_report.pdf

²³ Inch, A et al (2020) 'The object is to change the heart and soul' : financial incentives, planning and opposition to new housebuilding in England. *Environment and Planning C: Politics and Space*, 38(4), 713-732

²⁴ Sturzaker, J (2011) Can Community Empowerment Reduce Opposition to Housing? Evidence from Rural England, *Planning Practice and Research*, 26:5, 555-570

The White Paper's proposals will not lead to a transformation in citizen engagement, and are unlikely to restore trust in planning or the wider development process. This is for a number of reasons:

- a) The White Paper would remove opportunities for communities to shape development by
 - i) enabling automatic permission if a development is in line with codes and/or in a growth zone;
 - ii) removing people's right to be heard in person at planning inquiries. This removes the opportunity for communities to comment on planning applications. The failure to show how neighbourhood planning will integrate into the new system also potentially undermines significant efforts to engage already made by communities around the country.
- b) Linked to this, the burden for all engagement activity will shift onto the plan-making stage. This, along with underspecified processes of masterplanning or design code writing, will be the only opportunity for communities to shape development (potentially for many years). That these processes are scheduled to take just over two years (from start to finish) are likely to curtail opportunities to shape and challenge proposals. They fail to recognise the significance and complexity of organising citizen engagement in plans, nor of the need for building relationships of trust over time with different groups. This will be more complex as plans will no longer be dealing with broad questions of policy and land allocation, but also the detail of potential design. Even where there has been significant work to engage communities in plan-making, allowing citizens to comment on the detailed proposals for site-specific development acts as an additional democratic backstop, enabling local knowledge to be drawn into the process.
- c) Reliance on technology to broaden participation, does not by itself, lead to deeper and more meaningful engagement with planning. Whilst technology may provide very useful tools by which to work with communities and visualise development proposals, it needs to be coupled with extensive opportunities for public debate. There is a significant danger that the use of technology for participation will yield thin and unsatisfactory opportunities for public engagement (see below)²⁵. Whilst digital platforms may expand participation in planning amongst some sections of the population, it will be significantly limited by digital exclusion that affects significant numbers of the least well-off households in the country. It is therefore likely to deepen significant existing inequalities.
- d) Much of the logic of the White Paper revolves around central, national control over the planning system. That the English planning system is already highly centralised compared to other countries is widely accepted, but the advent of standardised formulas for setting housing targets, national design codes, and the ongoing lack of plans at a strategic or sub-national level, means that the White Paper cements this into place.

The use of technology and PropTech

A significant element of the White Paper focuses on the use of 'PropTech' to modernise planning processes. Whilst digital technologies can play a role in realising democratically

²⁵ Wilson et al (2020) Can technology create a faster and more participatory planning system? In *The Wrong Answers to the Wrong Questions*, <https://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions>

engaged, equitable, and environmentally sustainable forms of planning, it is not clear from the White Paper how this will be achieved. Without clear and critical engagement with PropTech, there are significant risks that it will not be a positive influence on the planning system. Research on Smart Cities technology highlights some cautionary lessons that should be heeded by planners²⁶. These risks include:

- The use of technology to fragment, and then reorganise service delivery, in a piecemeal fashion driven by profit (replicating many of the issues with current use of closed and proprietary software used by local authorities). The capacity of local authorities to control or manage data or online consultation is likely to be reduced
- The replacement of nuanced, case-by-case decision-making by democratically accountable planners with automated decision-making, removing space for professional judgement, and making it much harder for communities to understand and challenge underlying logics. The push for design codes in the White Paper reflects a logic of automating development decisions, pushing them from public scrutiny.
- The rise of ‘thin’ forms of public engagement, with a model of citizenship that is passive (e.g. online polling on housing design typologies, rather than public discussion of the future nature and form of development in an area). Furthermore, local authorities may become more reliant on ‘off-the-shelf’ engagement apps and platforms, which may not suit the question at hand or the needs of the specific community²⁷
- The deepening of existing patterns of digital exclusion, as technological processes are inaccessible to some demographics.
- The establishment of one algorithmic set of decision-making principles as universally correct, risking loss of nuance, and further marginalisation of the voices of underrepresented groups.
- Further movement towards a situation where development is targeted not where it is needed to correct inequality and unevenness, but where it is most profitable (for more, see Chapman, Tait, and Inch²⁸).

Leading research in the Department of Urban Studies and Planning has utilised virtual and augmented reality software to understand and evaluate citizen engagement using this method²⁹. The findings reveal the need to carefully respond to individual needs of places and to tailor consultation accordingly, working with local authorities and other stakeholders³⁰.

²⁶ Luque-Ayala and Marvin (2015) Developing a critical understanding of smart urbanism? *Urban Studies*, 52(12), 2105-16

²⁷ See Tenney and Sieber (2016) Data driven participation: algorithms, cities, citizens, and corporate control, *Urban Planning*, 1(2), 101-13

²⁸ Chapman, Tait, and Inch (2020) The Dangers of Data, *Town and Country Planning Journal*, 89(9/10), 307-311

²⁹ See <https://ddcf.wordpress.com/about/>

³⁰ See also Chapman et al in the Right Answers to the Right Questions, <https://www.tcpa.org.uk/>

Pillar Three: Planning for Infrastructure and Connected Places

Land value and infrastructure

The grant of planning permission can trigger significant increases in land and property values: for example, gaining permission to develop transforms an agriculture field in Hertfordshire that is worth £25,000 into land that is worth £7.5 million³¹. The rise in value is not the product of the landowner's labour, and is effectively a gift from the state to landowners for having land in an area that the planning system deems suitable for development. It is important, and right, to recapture and redistribute a large proportion of this state-created uplift in value to provide the essential infrastructure and services that communities need.

At present in England this is achieved through two mechanisms: s106 agreements used most widely to secure contributions for affordable housing and CIL payments used to fund other forms of infrastructure. The White Paper proposes to combine these two mechanisms into a single levy calculated as a percentage of gross development value. The stated aim is to capture more of the uplift in value whilst simplifying often complex and opaque negotiations between developers and local planning authorities.

Whilst the aim of capturing more development value in a transparent manner is welcome, work conducted by Department of Urban Studies and Planning academics³² and others raises concerns about the feasibility of these proposals, including:

- That a national 'average' will be unable to capture significant variation in the amount of land value available to be captured. Too high a figure will leave developers and landowners protesting that it makes development unviable. Too low a figure will see communities denied affordable housing and infrastructure. There will also be a need for considerable flexibility to account for fluctuating market conditions.
- Rather than removing site specific negotiations over viability, it is likely that this will lead to significant conflict over how any rate is set (nationally or locally). Given variation between sites, it is likely that this will also continue to require some negotiation on a site-by-site basis.
- The levy will be raised locally and spent locally. Consequently, it will exacerbate existing regional imbalances. Areas with higher development values will benefit from increased revenues whilst those with lower values will be unable to fund collective infrastructure. In the absence of any redistributive mechanism in the proposals, there is an urgent need to address how infrastructure can be funded in areas of low market demand/land values.
- Infrastructure needs arising from new development are significant and many areas of the country are already facing historical shortfalls. It is unlikely that a single levy will provide sufficient funds to meet needs for affordable housing and other significant forms of

³¹Valuation Office (2019) Land Value Estimates for Policy Appraisal, London: MHCLG

³²<https://housingevidence.ac.uk/planning-for-the-future-challenges-of-introducing-a-new-infrastructure-levy-need-to-be-addressed/>; also see Crook, T., Henneberry, J., & Whitehead, C. (2016). *Planning gain: Providing infrastructure and affordable housing*. London: John Wiley & Sons.; Crook, A. D. H., & Whitehead, C. (2019). Capturing development value, principles and practice: why is it so difficult?. *Town Planning Review*, 90(4), 359-382.

infrastructure. The balance between affordable housing and other forms of infrastructure needs to be considered, particularly where some local authorities or developers may seek to avoid funding the former.

- The White Paper proposes that the levy will be collected on completion of developments, with local authorities allowed to borrow against future levy revenues in order to fund the provision of infrastructure in parallel with the construction of schemes. This raises problems. Developers can place less reliance on the necessary infrastructure being completed on time because contractual agreements under planning obligations are to be replaced by the unproven actions of local planning authorities, increasing risk for the former. Risks for already financially strained local authorities are also increased because they will be exposed to the financial effects of any downturn in development values.
- Capturing development value through the grant of planning permission is important. However, in areas earmarked for significant development, public sector land assembly through compulsory purchase at existing land value should be explored as an alternative. As practiced in the post-war new towns³³ (and elsewhere in northern Europe) this approach has proven highly effective at capturing longer-term increases in land values and using these to fund and maintain valuable public infrastructure. Through control of the way land is released to the market it also has the potential to reduce risk, increase competition between developers and encourage new market entrants, including SMEs and self-builders³⁴.
- A commitment to public-sector housebuilding through public sector land assembly would be a much more direct means of tackling shortfalls in genuinely affordable housing, and the White Paper is noticeably silent on the role of councils in building social housing.
- High land values, fueled by speculation, should be addressed as a wider constraint on economic productivity³⁵. The significant social costs to communities these generate, e.g. gentrification pressures and the pricing out of essential community facilities and services, should be addressed by increasing non-market provision.

Delivering Change

Planning Education and Skills

The White Paper recognises that the changes proposed will require a “comprehensive resources and skills strategy” (Proposal 23) for the planning sector with significant implications for the future of planning education.

Major planning reforms that redefine the scope of planning have recurred over the decades, often leading to short-term fluctuations in emphasis within planning education. For example, contemporary shortages of urban design expertise in the planning system can be traced back to

³³ DCLG (2006) Transferable Lessons from the New Towns: <https://www.westminster.ac.uk/sites/default/public-files/general-documents/Transferable-Lessons-from-the-New-Towns.pdf>

³⁴ Lord, A. and O'Brien, P. (2017) *What price planning? Reimagining planning as “market maker”*. *Planning Theory and Practice*, 18(2), pp. 217-232.

³⁵ See Edwards, M (2020) in the Right Answers to the Right Questions (forthcoming)

the decisions of Conservative governments to remove design considerations from planning in the 1980s. This illustrates the importance of ensuring that planning schools continue to provide a broad-based education in the discipline. This is particularly important in the contemporary HE context where many planning schools, including Sheffield, attract significant numbers of international students.

Were the current proposals to be implemented in full they would necessitate some changes to reflect, for example, the increased emphasis on urban design, data and technology. Any transition towards an entirely new system, will take time and will create significant upheaval with requirements for significant retraining of practicing planners. A more detailed assessment would be required of how this could be delivered. This would need to take account of the fact that, following years of austerity, the resources and capacity of the public sector have already been significantly reduced. Recent research conducted by a team from Sheffield, Newcastle and UCL with the Royal Town Planning Institute has illustrated how stretched skills and capacity are, and how previous rounds of planning reform have impacted negatively on the capacity of planners to positively shape development and of local planning authorities to support skills development³⁶.

Of greater concern, however, is the broader, reductive way the White Paper characterises planning and the risk that this leads towards a significant undervaluing of core knowledge and skills that are crucial to successful planning and place-making³⁷.

As we noted above, the White Paper suggests a narrow view of planning as principally a licensing system for housing, concerned largely with the aesthetic dimensions of buildings. By conflating planning with design and design with aesthetics, the White Paper overlooks the wider purposes of planning and the skills required to integrate social, economic and environmental concerns with local knowledge to create distinctive and effective visions and frameworks for spatial change.

The emphasis on the centralisation and standardisation of policy-making points towards a view that most planning work is routine and administrative and that it can be readily automated. This technocratic outlook further overlooks the role of skilled professionals in negotiating amongst multiple stakeholders to ensure a fit between developments and their local contexts, and to secure public benefits.

Significantly, this requires much more than just technical skills. Because there are many ways of knowing and valuing places, spatial decisions are always political and often controversial, leading to sometimes bitter battles between different interest groups. It is important to value and develop the skills and literacies that this requires. Key to this are skills in working with

³⁶ See <https://www.rtpi.org.uk/WITPI> and http://witpi.group.shef.ac.uk/wp-content/uploads/2020/07/WITPI_WhatMustPlannersDo.pdf

³⁷ See Rooij, R. and Frank, A. I. 2016. [Educating spatial planners for the age of co-creation: the need to risk community, science and practice involvement in planning programmes and curricula](#). *Planning Practice and Research* 31(5), pp. 473-485 and Frank, A. I. et al. 2014. [Educating planners in Europe: a review of 21st century study programmes](#). *Progress in Planning* 91, pp. 30-94

communities to rebuild trust and co-create understanding of their needs and the impacts of change. Technology can be used to assist in this work but it should not be seen as a substitute for properly resourced public planning.

Further information

For further information and follow-up, please contact:

Professor Malcolm Tait, Professor of Planning, m.tait@sheffield.ac.uk