

a crisis of place



Are we delivering sustainable development through local plans?



executive summary

The local planning system in England has a profound impact on all our lives – from the availability of homes to the approval of energy systems; from dealing with flood risk and facilitating low-carbon energy to the providing conditions that support the health and well-being of individuals. All of this action is embedded in a local democratic system which provides the opportunity for real community control.

But there is widespread concern about the perceived weakness of local planning, felt by communities, politicians and NGOs alike. This report looks at existing research and surveys to consider whether Local Plans are actually delivering the objectives of sustainable development. **The core message of this report is that the planning system is failing to deliver to its potential, and has in fact abandoned many vital sustainable development outcomes and the wider endeavour of place-making** in favour of an overwhelming focus on the allocation of housing units. The report finds little evidence of attempts to secure a logical and coherent approach to positive place-making and to sustainable development issues such as climate change. Ironically, the recent increase in the *planning approval* of housing units has not led to the scale of *housing delivery* that the nation needs – because the core delivery issues relate not to planning but to the current housing delivery model.

The result is that while the challenges of sustainability and those stemming from both demographic and climate change have increased, the tools to deal with them through planning have been progressively marginalised.

Solving this problem will not be easy, but any attempt to do so must start with a formal restatement that sustainable development remains the core objective for Local Plans, together with publication of a clearer definition of sustainable development in planning law and policy. It also requires a complete culture change in government, to acknowledge the value of democratic planning in dealing with some of society's most complex and important public policy questions.



1

introduction

- 1.1** Planning is crucial to every aspect of sustainability in England and the rest of the UK – from energy and climate change, to transport, affordable housing, protected green space, healthy communities, the natural environment and regional inequality. But the framework for ensuring that planning for these vital areas happens is now under threat. The post-war democratic planning framework, which prevailed until around a decade ago, is now being dismantled – and this is happening without an evidence base or research analysis of what the consequences of planning deregulation have been, and will be, for society and the environment.
- 1.2** There are four primary challenges that result from this deregulation:
- A lack of community control over the local environment, stemming from a combination of deregulation and centralist planning policy. There are increasingly questions over whether a ‘plan-led’ system actually means anything tangible, given the level of ‘off-plan’ speculative development.
 - A planning system which may meet the needs of private sector landowners and developers but which does not deal with important long-term issues such as climate change, social housing, an ageing population, and good design.
 - A clear and illogical asymmetry in energy planning policy, with effectively a moratorium on some renewable technologies running alongside an approach that deems fracking development to be ‘in the national interest’. At the same time, there is a contradiction between energy policy (supporting the phasing out of coal) and planning policy (continuing to encourage open-cast mining applications).

- A planning system that no longer has sustainable development as a core objective, leading, above all, to a lack of any proper long-term consideration of a wide range of sustainable outcomes, such as sustainable transport or homes fit for the lifetime of the population.

1.3 Taken together, the system is now much less powerful and therefore less able to uphold sustainable outcomes. The result is that England no longer has an effective form of democratic planning that meets the challenges of demographic need, economic transformation and climate change in a sustainable way.

1.4 There has also been little public debate between local communities, civil society, planning professionals and local councils about wave after wave of planning changes and the kind of outcomes that are now beginning to emerge. This is partly a product of the rapid but incremental nature of the changes, which have often been introduced with minimal public consultation. The Government's rationale for the reforms was strikingly simple: 'Deregulation will make markets more competitive, and this will lead to better outcomes for people.' However, evidence for this proposition has never been produced. Nor has there ever been a Green or White Paper to consult the public and the wider sector on the wisdom of deregulation.

The objective of this report

1.5 The objective of this report is to provide a high-level review of the state of the Local Plan system in England, with a specific focus on the system's ability to deliver sustainable development and sustainable outcomes. The report is based on a synthesis of existing research and a survey of practitioners' attitudes to sustainable development, supported by an advisory group. It is designed to be an accessible resource, intended to help contribute to wider civil society debate about the future of the planning system.

The sustainable development test

1.6 Sustainable development is often portrayed as a contested concept, but it remains the only articulation of a coherent development paradigm that offers the prospect of meeting human needs fairly and within the planet's limited resources. This report stresses the importance of clarity over the nature of the sustainable development paradigm, so that a clear and transparent judgement can be made about the outcomes of the planning process on the ground. The core benchmarks of sustainable development are the principles set out in the 2005 UK Sustainable Development Strategy.¹ The distinctive aspect of these principles is the recognition of the need to work within the resource limits of the biosphere and with a key concern for equity, both now and for future generations. In the absence of sustainable development there is no vision for the future development of society other than short-term growth patterns, which stack up a range of long-term social and economic costs. The consequences of living beyond environmental limits are evident in a wealth of scientific research, and include, for example, climate change, a collapse in species diversity, and a decline in natural resources – all of which are vital to human survival.

1.7 Since 2010, the UK Government has consistently marginalised sustainable development as a mainstream part of government policy.

Notes

- ¹ *Securing the Future – Delivering UK Sustainable Development Strategy*. The UK Government Sustainable Development Strategy. Cm 6467. HM Government. TSO, Mar. 2005. <https://www.gov.uk/government/publications/securing-the-future-delivering-uk-sustainable-development-strategy>

It has put no meaningful resources into the development and delivery of the 2005 UK Sustainable Development Strategy. The Government's current review document is inadequate,² making no mention of the 2005 indicator set and focusing largely on internal government procurement issues. The abolition of the Sustainable Development Commission was a strong signal of the previous administration's attitude to sustainable development, but key government departments such as HM Treasury have also failed to demonstrate any clear understanding of the intellectual or evidential case for sustainable development. The Treasury's policy document *Fixing the Foundations: Creating a More Prosperous Nation*³ sets out the course of further planning and housing reform, to be implemented by three pieces of legislation and further policy changes. The document is significant not simply for the precise policy measures it contains, but because it signals a strong, continued commitment to a deregulatory agenda based on an overarching analysis that environmental regulation is anti-competitive. It offers neither meaningful content on sustainable development nor any discussion of how the policy measures set out within it contribute to sustainable development. It does not even confirm that sustainable development remains a Government priority. Where the words 'sustainable development' are used by the Government, for example in the National Planning Policy Framework, they are clearly redefined to neutralise the core meaning and ensure that short-term economic needs (in that case the needs of landowners and developers) are prioritised over the wider public interest.

- 1.8** This failure to incorporate sustainable development into the heart of planning policy will have significant, long-term negative impacts on society and the environment. It will also damage our economy by failing to drive innovation in new environmental and sustainable development technologies. The nations of the UK other than England and many of the UK's EU competitors have strong policy regimes to deliver sustainable development. The Welsh Well-being of Future Generations Act 2015 is an example of policy innovation, while Denmark, France, the Netherlands, Sweden, Switzerland and most particularly Germany all have stronger national or local regulatory frameworks to drive innovation in design and implementation of measures to support sustainable development.
- 1.9** The international debate on sustainable development has also continued with the publication of the United Nations Development Programme's Sustainable Development Goals.⁴ The 17 goals reflect a full range of development principles, including addressing urbanisation and demographic change, as well as equity and climate change. None of this international discourse on sustainable development is reflected in national planning policy in England, despite the relevance of the goals to the development of the nation.
- 1.10** Taken together, the Government's current reforms to planning have undermined progress towards the objectives of sustainable development, and therefore also sustainable outcomes at every level – national, regional and local. This might be justified if a positive alternative to the way we manage long-term resource use for the benefit of current and future generations were being proposed. This is not the case with the new Government's policy and legislative agenda. The forthcoming publication of a Housing and Planning White Paper will signal whether the new Government wishes to take a different approach.

Notes

- 2 *2010 to 2015 Government Policy: Sustainable Development*. Policy Paper. Department for Environment, Food and Rural Affairs, Updated May 2015. <https://www.gov.uk/government/publications/2010-to-2015-government-policy-sustainable-development/2010-to-2015-government-policy-sustainable-development>
- 3 *Fixing the Foundations: Creating a More Prosperous Nation*. The Government's 'Productivity Plan'. Cm 9098. HM Treasury, Jul. 2015. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf
- 4 The 'Sustainable Development Goals' (see <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>) came into effect in January 2016 and will continue to guide United Nations Development Programme policy and funding for the next 15 years

The Role of the Local Plan

The Local Plan is the key spatial strategy shaping development in localities. Local Plans are prepared by unitary, borough and district authorities. The role and legal status of Local Plans have changed over time, but since 1990 there has been a legal presumption in favor of making decisions in line with the plan, unless specific material considerations outweigh plan policy. In two-tier local authority areas there are separate minerals and waste plans, prepared by the county council, but the legal status and process for preparing these plans are closely related to the Local Plan.

In theory the Local Plan sets out a vision for the locality for all forms of development. It can set policy on issues ranging from human health to energy use and supply, from housing to transport. It does not cover important land uses related to agriculture and forestry. Since 2010 there has been no regional or national spatial plan to support local action. A range of national policy is set out in the National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and National Policy Statements (NPSs) for major national infrastructure, which Local Plans have to work with. This national policy has reduced the discretion of Local Plans in some areas.

The process by which Local Plans are adopted is set out in regulation, but it involves evidence-gathering, public participation, the development of draft policy, and the testing of plans by the Planning Inspectorate (PINS). PINS applies the 'soundness test' to plans to ensure that they are compliant with national law and policy, and this test is a key way of enforcing national policy. Individuals have a significant legal right to be heard in plan-making. If they make a submission to the plan-making process, they have the right to give evidence before the Planning Inspector.

National Planning Policy Framework. Department for Communities and Local Government, Mar. 2012.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Planning Practice Guidance. Department for Communities and Local Government.
<http://planningguidance.communities.gov.uk/>

National Policy Statements.
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>



2

policy overview

The state of English planning

- 2.1** The post-war democratic planning framework defined by the 1947 Town and Country Planning Act served the nation well, securing a system focused on upholding the wider public interest through comprehensive land use planning. By the late 1990s sustainable development had become the key policy focus in national policy.⁵ This framework underwent ‘radical change’⁶ after 2010, with, for example, the publication in 2012 of the NPPF, which sought to provide a much greater focus on economic growth.
- 2.2** **The context of recent deregulation is important, because the marginalisation of the local planning system did not begin in 2010.** Spatial planning has been on a longer arc of decline, despite the historic evidence in the UK and international lessons about its value. Two political propositions proved vitally important in driving deregulation: that planning was remote from people’s lived experience; and planning got in the way of housing growth. One reason why planning had so few defenders in the face of such criticism is that it had undoubtedly become a technocratic and sometimes remote activity. Deregulation was not based on a mass of technical evidence but was driven by a powerful political view that planning was problem for the private sector.
- 2.3** The nature of the deregulation is complex, but in summary it has six components:
- The deregulation of structures of planning such as the abolition of regional plans.

Notes

- ⁵ As set out in Planning Policy Statement 1: *Delivering Sustainable Development*. Office of the Deputy Prime Minister, Jan. 2005. Revoked Mar. 2012. <http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/archived/publications/planningandbuilding/planningpolicystatement1>
- ⁶ *Solihull Metropolitan Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Limited* [2014] EWCA Civ 1610

- The redefinition of the purpose of planning in the NPPF to exclude key ideas of social justice.
- The reduction in the power and scope of planning brought about by the expansion of permitted development.
- The downgrading of the plan-led system brought about by the re-introduction of an extremely powerful presumption in favour of development.
- The abandonment of key policies on matters such as the zero-carbon aspiration and effectively a moratorium on onshore wind.
- The impact of austerity through cuts to the capacity of the planning service in local government and among key statutory consultees such as the Environment Agency.

2.4 Over the last six years, deregulation has been extensive. Unlike almost all its EU competitors England has no coherent national plan. In this context, regional planning introduced by the 2004 Planning and Compulsory Purchase Act played an important role in setting the strategic context on demographic change, climate change and infrastructure provision. Regional plans were abolished as part of the changes made by the 2011 Localism Act, having had only five years to bed down. Planning is now focused on the local and neighbourhood levels, which has significant consequences for the management of key policy areas such as climate change, demographic change and biodiversity, which play out at bigger spatial scales. The devolution agenda in England is creating an ad hoc form of strategic planning, the nature of which is not yet clear, but matters such as the degree to which Mayors and Combined Authorities have planning powers and the opportunities for public participation and obligations on sustainable development remain highly contentious.

2.5 More detailed policy changes in Written Statements and amendments to the national Planning Practice Guidance have created ‘radical’⁷ changes to broad objectives and detailed policy sectors. National policy for planning is now contained in the NPPF and the online resources in the Planning Practice Guidance. The NPPF shifted the balance in favour of central direction of planning, and through key mechanisms such as the presumption in favour of development and the ‘viability test’ it empowered the development community. This reflected a shift in the central government view of planning, in which the private interests of developers were conflated with the public interest.

2.6 The NPPF created a new definition of sustainable development which bears little relation to that in the UK Sustainable Development Strategy of 2005. The ‘sustainable development test’ section in Section 4 of this report sets out in more detail the defining characteristics that inform the research presented here, but in essence the NPPF is legally empowered by Section 39 of the 2004 Planning and Compulsory Purchase Act to provide the ‘guidance’ under which local planning authorities must deliver their legal obligations. The NPPF begins with the UN and UK⁸ definitions of sustainable development, but – crucially for planning practice – it states in paragraph 6 that what the Government means by sustainable development in planning is set out in paragraphs 18-219. This neatly leaves the rhetoric of sustainable development intact but removes the UK Sustainable Development Strategy objectives from the operational definition of sustainable development in planning, which begins with building a competitive economy. From that point forward, the NPPF has no coherent narrative on sustainable development, despite there being useful lists of policy objectives.⁹

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⁷ *Solihull Metropolitan Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Limited* [2014] EWCA Civ 1610

⁸ As set out in *Securing the Future – Delivering UK Sustainable Development Strategy*. The UK Government Sustainable Development Strategy. Cm 6467. HM Government. TSO, Mar. 2005. This document still appears on the Gov.uk website (at <https://www.gov.uk/government/publications/securing-the-future-delivering-uk-sustainable-development-strategy>), although it is wrongly referenced as a Coalition Government document

⁹ For example, social equity and inter-generational equity do not feature at all, and working within resource limits is subject to the viability test and the five-year housing land supply test

2.7 The NPPF reintroduced a very powerful version of the presumption in favour of development, which had been removed from planning policy in 1990. This presumption means that applications for development can be refused only where there is overwhelming evidence of harm. The NPPF also introduced the viability test, which in practice empowers developers and landowners to ensure that no policy can be adopted in a Local Plan if it potentially compromises 'competitive returns'. This has led to a whole series of policies – from requirements for renewable energy to space standards in new homes – being taken out of Local Plans, but footnote 9 makes clear there are exemptions to the presumption.

2.8 Policy changes through Ministerial Statements and chief planning officer letters have also led to radical changes in energy policy. For example there is now effectively a moratorium on onshore wind, while fracking is deemed to be development clearly in the national interest.¹⁰ This policy asymmetry on two major energy sources is not related to any clear evidence base. Similarly, the costs of not dealing with climate change, or of not creating homes that are adaptable to people's needs, do not feature in the NPPF viability test.¹¹ The Government also announced the end of the commitment to zero-carbon homes, following on from the cancellation of the Code for Sustainable Homes. New centrally determined building standards were introduced which restrict the flexibility of local authorities to develop their own standards and do not include any building fabric provisions relating to carbon dioxide emissions or energy.

2.9 The Government has also made radical changes to permitted development such that it is now possible to change a wider range of existing buildings to residential use without planning permission and based on a very limited prior-approval process. This leaves communities with no say about significant development and no ability to secure through planning conditions a wide range of important outcomes for people, from green infrastructure to play spaces, to contributions for schools and transport.¹²

2.10 The Government has reduced the levels of monitoring of local planning and no longer collects data centrally from local authority annual monitoring reports. The reduced number of Government data sets has proved to be a challenge to the research underpinning this report. While data on the level of planning consents is available, there is no central information on the numbers of, for example, Lifetime Homes that are being delivered. However, it is clear that there are increasing levels of development in designations such as Green Belt and Areas of Outstanding Natural Beauty.¹³

2.11 The 2016 Housing and Planning Act introduced further radical changes to the planning system, and marked the effective end of the delivery through planning of meaningful 'affordable' housing. The introduction of three new forms of 'permission in principle' for housing sites allocated in the Local Plan, in the brownfield register and by direct application by a developer has raised fundamental questions about the conflict between discretionary and zonal planning, and about effective protection for environmental and cultural assets. And the reduction of the timescale for the determination of applications for technical detail consent to five weeks has major implications for public participation and public legitimacy. The Expert Group on Local Plans has also recommended the removal of the public right to be heard at Local Plan examinations. Further legislation on planning currently before Parliament presents both a challenge and an opportunity to reflect wider-sector concerns over the outcomes of planning.

Notes

¹⁰ 'Minerals: Planning for hydrocarbon extraction'. Planning Practice Guidance. Department for Communities and Local Government, Updated Mar. 2014 and Apr. 2015. <http://planningguidance.communities.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/the-phases-of-onshore-hydrocarbon-extraction/>

See also 'Renewable and low carbon energy'. Planning Practice Guidance. Department for Communities and Local Government. Updated Jun. 2015. <http://planningguidance.communities.gov.uk/blog/guidance/renewable-and-low-carbon-energy/>

¹¹ 'Viability and plan making'. Planning Practice Guidance. Department for Communities and Local Government. Updated Mar. 2014.

<http://planningguidance.communities.gov.uk/blog/guidance/viability-guidance/viability-and-plan-making/>

¹² *The Impact of Permitted Development Rights for Office to Residential Conversions: A London Councils Briefing*. London Councils, Aug. 2015 <https://www.londoncouncils.gov.uk/download/file/fid/16326>

¹³ *Green Belt Under Siege: The NPPF Three Years On*. Campaign to Protect Rural England, Mar. 2015.

<http://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/3894-green-belt-under-siege-the-nppf-three-years-on>

A plan-led system?

As a matter of legal fact, the planning system is plan-led. In practice, the position is much more complex. The system has always recognised that plans that are obviously out of date might carry less weight, and that plans that are under formulation but not yet adopted could carry some weight. After the publication of the NPPF in 2012 the position became even more complex: the presumption in favour of development was to be applied to Local Plans that were 'silent or out of date'. In practice, this has been taken to mean the demonstration at any time of a viable and developable five-year supply of land for housing. No plans have been judged 'out of date' on carbon dioxide emissions performance, or because they fail to meet wider sustainable development objectives.

The problem is that demonstrating a five-year housing land supply is a matter for judgement. A newly adopted plan is vulnerable to being ruled out of date if its designated sites can be shown to be undeliverable. Developers can appeal refusal on this basis, and have won both appeals and High Court decisions by applying this argument. Since the rate of deliverability of housing sites is controlled by the developer and is not normally within the gift of the planning authority, defending plan allocations can be complex. One output of this trend is the historically high levels of successful appeals for major housing schemes, which are currently running at a 45% success rate and have touched 50% success rates over the last two years. This compares with a historic average of around 30%, and with a figure of 42% in 1987 during a period when there was an outcry against 'planning by appeal'. The adoption of the plan-led system in 1990 was a direct response to this public concern.

The unsafe nature of a newly adopted Local Plan could be a fair reflection of its failure to deal with housing demands – although if it had passed through a soundness test, this should not be the case. The impact of such uncertainty on the reputation of the plan-led system among the public is potentially negative. There is little point in involving the community in plan-making, often for several years, if the results can be overturned within months of adoption.

Part of the justification for the five-year housing land supply requirement is to incentivise those local planning authorities that have taken far too long to put a Local Plan in place. However, the degree to which it does so when adopted plans are vulnerable to appeal is questionable. In any event, where a plan is out of date, the policies may carry little weight and decisions are made based on the NPPF framework. This report illustrates that the NPPF is not a guarantee of sustainable outcomes; nor is its policy often applied 'as a whole'.

The Government evidence base for deregulation

2.12 The Coalition Government was clear in its belief that planning has been a barrier to growth, citing research by Cheshire and Ball¹⁴ which focused on the transaction costs of planning. This built on the analysis set out in the report of the Barker Review of Housing Supply that the restriction of land supply through planning was the greatest driver of housing costs.¹⁵ The House of Commons Communities and Local Government Committee could not find significant evidence of planning acting as a barrier to development,¹⁶ and RTPI research commissioned in 2014 found that there were clear economic benefits from planning.¹⁷

2.13 The paucity of the Government's evidence base for its conclusion that planning is a problem is exacerbated by the fact that at no time did the Department for Communities and Local Government (DCLG) systematically account for the long-term benefits of planning. As a result, the Government based one of the most intense and radical reforms of planning on an exceptionally narrow and highly selective evidence base. This lack of evidence was not an impediment to clear political signals from the Government. In 2011 the Prime Minister labelled the planning system an 'enemy of enterprise',¹⁸ setting the tone for a growing culture of attacking planning and planners and driving both the pace and negative tone of the reform measures. Since the NPPF was introduced in March 2012 there have been 30 Written Statements on planning and building issued by the DCLG, and the predominant tone has consistently been that planning is anti-competitive. The tone is also designed to clearly emphasise national government priorities – for example:

*'The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered...'*¹⁹

Notes

14 HM Treasury's *Plan for Growth* (Mar. 2011) cited: P. Cheshire and C. Hilber: 'Office space supply restrictions in Britain: the political economy of market revenge'. *Economic Journal*, 2008, Vol. 118 (529), F185-F221; and M. Ball: *Housing Supply and Planning Controls – The Impact of Planning Control Processing Times on Housing Supply in England*. National Housing and Planning Advice Unit, 2010

15 K. Barker: *Review of Housing Supply: Securing Our Future Needs. Final Report – Recommendations*. Barker Review. HM Treasury, Mar. 2004. http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/barker_review_of_housing_supply_recommendations.htm

16 *The Operation of the National Planning Policy Framework*. HC 190. Fourth Report of Session 2014-15. Communities and Local Government Committee. House of Commons. TSO, Dec. 2014. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/report-national-planning-policy-framework/>

17 D. Adams and C. Watkins: *The Value of Planning*. RTPI Research Report 5. Royal Town Planning Institute, Jun. 2014. http://www.rtpi.org.uk/media/1024627/rtpi_research_report_value_of_planning_full_report_june_2014.pdf

18 N. Watt: 'David Cameron calls civil servants 'enemies of enterprise''. *The Guardian*, 6 Mar. 2011. <https://www.theguardian.com/politics/2011/mar/06/david-cameron-civil-service-enemies>

19 Written Statement to Parliament by Eric Pickles, Secretary of State for Communities and Local Government, 25 Mar. 2015. <https://www.gov.uk/government/speeches/planning-update-march-2015>



3

existing research into local plans

- 3.1** A number of wide-ranging reviews of the planning system have been carried out in recent years, but only a select few focus on sustainable development outcomes. This Section provides an overview of relevant studies that highlight key issues related to the effectiveness of Local Plans in achieving sustainable development across England.
- 3.2** The Local Plan process was reviewed by the Local Plans Expert Group (LPEG)²⁰ in 2015-2016. The LPEG examined plan preparation and plan requirements. It found that less than 20% of local planning authorities had a fully up-to-date Local Plan including both strategic and site allocation plans. It also highlighted the challenges that local authorities face in plan preparation: a lack of clarity on key issues, strategic planning and environmental constraints; a lack of guidance, support and resources; a lack of political will and commitment; and the challenges of changes in policy, advice and factual evidence sources that have ‘moved the goalposts’. In defining plan requirements, however, the principles of sustainable development²¹ were not identified by the LPEG as a fundamental cornerstone of the Local Plan process. Instead, to achieve the NPPF requirement on sustainability, it was proposed that a more robust implementation of paragraph 14 be achieved through a clearer expectation in Planning Practice Guidance that local authorities will be responsible for demonstrating that the adverse effects of development significantly outweigh the benefits.
- 3.3** The research also found that Sustainability Appraisals, in their current format, can be adapted to any outcome – sustainable or not. The LPEG therefore proposed that Planning Practice Guidance should advise that Sustainability Appraisals be used instead to explain how the plan

Notes

²⁰ *Local Plans. Report to the Communities Secretary and to the Minister of Housing and Planning*. Local Plans Expert Group, Mar. 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-governement.pdf

²¹ As set out by the United Nations Development Programme or the UK Sustainable Development Strategy of 2005

represents sustainable development. It was recognised that a significant lack of environmental capacity exists within local authority planning departments to do this, and that this may be affecting the sustainability of plan outcomes, particularly in relation to housing allocations. The LPEG report did not assess the outcomes of non-housing-related Local Plan policy in relation to sustainability.²² The Government is still determining which of the LPEG recommendations it intends to implement.

3.4 Planning case law²³ has shown that the presumption in paragraph 14 of the NPPF allows development to be considered sustainable even where the 2005 definition is not met.²⁴ A recent study in has shown that, in practice, it provides a presumption in favour of granting permission for development even when adverse impacts outweigh the benefits.²⁵ The NPPF's presumption in favour of sustainable development has shifted away from and undermined the 2005 definition of sustainable development for the purpose of plan-making and decision-taking.²⁶ This has led to a cautious approach by local authorities in interpreting 'sustainable development'²⁷ – reflected in the content of Local Plans in relation to achieving sustainable outcomes through the planning system, with a potential impact on the ability of future generations to meet their own needs.²⁸

3.5 Taken together, the Government's reforms to planning have had a negative impact on progress towards the fundamental objectives of sustainable development across many areas of planning. This has been highlighted by existing research in relation to the impacts of planning reform on strategic planning for biodiversity,²⁹ standards for low- and zero-carbon homes, planning for wind and renewable energy, and Local Plan policies on climate change adaptation and mitigation.

3.6 In 2016 a survey study undertaken by the Centre for Sustainable Energy³⁰ found that fewer than 60% of local authorities stated that their Local Plan policy on renewables formed part of wider strategies to meet national and international targets.³¹ The research also revealed that the majority of these local authorities had not developed or adopted policy to achieve a specific renewable energy target by a certain date (see Figure 1 below), nor were they planning to adapt or develop planning policies for onshore wind or renewable energy as a result of national planning changes. Local Plan policy to support the generation of sustainable energy using renewable and low-carbon technologies is not widespread across local authorities. This reflects a significant gap in policy on achieving the outcomes of reducing carbon dioxide emissions and encouraging more sustainable forms of energy from renewable sources.

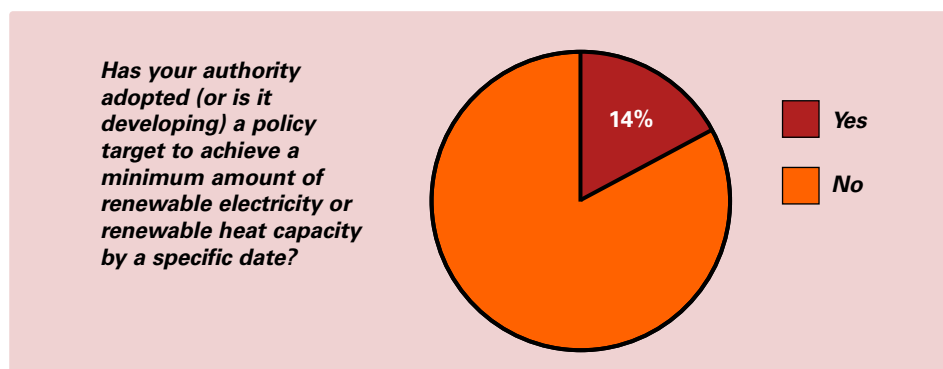


Figure 1 Local authority renewable energy policy – survey responses

Source: Survey of Local Authority Onshore Wind Policies³²

Notes

22 *Local Plans. Report to the Communities Secretary and to the Minister of Housing and Planning.* Local Plans Expert Group, Mar. 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-gouvernement.pdf

23 *William Davis Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 3058 (Admin)

24 R. Humphreys: 'Sustainable development: does the NPPF paragraph 14 ensure that future generations can meet their own needs?'. *Journal of Planning & Environment Law*, 2016, Vol. 68(8), 750-55

25 R. Humphreys: 'Sustainable development: does the NPPF paragraph 14 ensure that future generations can meet their own needs?'. *Journal of Planning & Environment Law*, 2016, Vol. 68(8), 750-55

26 *Securing the Future – Delivering UK Sustainable Development Strategy.* The UK Government Sustainable Development Strategy. Cm 6467. HM Government. TSO, Mar. 2005. <https://www.gov.uk/government/publications/securing-the-future-delivering-uk-sustainable-development-strategy>

27 *Climate Change in Local Plans.* TCPA, for the Joseph Rowntree Foundation, 2016 (forthcoming)

28 R. Humphreys: 'Sustainable development: does the NPPF paragraph 14 ensure that future generations can meet their own needs?'. *Journal of Planning & Environment Law*, 2016, Vol. 68(8), 750-55

29 *Nature Positive Local Plans. Research Report.* Royal Society for the Protection of Birds, May 2015. <http://www.wildlifetrusts.org/sites/default/files/files/Nature%20Positive%20Plans%20report.pdf>

30 *Survey of Local Authority Onshore Wind Policies.* Centre for Sustainable Energy, Nov. 2016 (forthcoming)

31 Such as those set out in the EU Renewable Energy Directive

- 3.7** The Centre for Sustainable Energy findings are in accordance with RICS (Royal Institution of Chartered Surveyors) research which found that the withdrawal of the 2016 zero-carbon homes target has had an impact on local policy and standards for promoting the delivery of low- and zero-carbon new homes in England.³² It identified cross-sector concern about the removal of strong regulation that had previously acted as a key driver for innovation in planning policy and action on low carbon. Removal of the Code for Sustainable Homes without a replacement has meant that a number of wider sustainability issues related to ecology, building materials and embodied energy are now not captured by obligatory regulations and therefore may not be reflected in Local Plan policy. Yet at the same time the UK climate change targets and the EU ‘nearly zero-energy’ buildings targets for 2019-2021 are still in place; how then, given the current state of local planning policy, are these crucial sustainability outcomes to be achieved?
- 3.8** NPPF policy on biodiversity has not been widely embedded into Local Plans at landscape scale, and, for over 33% of Core Strategies assessed by an RSPB study, biodiversity had not been a core determinant of the overall spatial strategy.³³ Furthermore, the integration of biodiversity-focused policies into new post-NPPF Local Plans has not been sufficiently specific or comprehensive to guide development decisions or properly inform plan implementation. This demonstrates a lack of priority within Local Plans in achieving development that incorporates sufficient consideration of green infrastructure and ecological networks. Furthermore, the RSPB research found that post-NPPF Core Strategies rely on detail set out in non-planning or supplementary strategies that do not have the same status as development plan policy.
- 3.9** On the long-term aspects of sustainable development, research undertaken by the TCPA for the Joseph Rowntree Foundation³⁴ has revealed that climate change adaptation and mitigation have been de-prioritised as policy objectives in the spatial planning system since the introduction of the NPPF. Measures on climate change adaptation in Local Plans are almost exclusively associated with policy on existing flood risk, rather than addressing other climate change impacts relating to overheating, drought, or severe weather. Although widespread, Local Plan flood policy itself is not based on a comprehensive understanding of risk or vulnerability linked to the likely extent of future flood plains or the impact on people or places of increased precipitation. Current local planning processes are directed at the current situation rather than considering a timescale relevant to the potential future risks of climate change. However, support provided by the Environment Agency as a statutory body has facilitated widespread application of the sequential and exception tests for the location of development within Local Plan policy. This demonstrates both the benefit of national policy prescription on issues of sustainable development and the importance of statutory consultees and advisory bodies for local planning authorities.
- 3.10** On mitigation, and in line with the other literature and research cited above, the TCPA/JRF study revealed that local authorities are not dealing with carbon dioxide emissions reduction effectively or in line with the legislative test of Section 19 of the 2004 Planning and Compulsory Purchase Act. The majority of Local Plans assessed and 70% of local planning authorities who responded to an online survey did not set local carbon dioxide emissions reduction targets in the plan,

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32 *The Future of Policy and Standards for Low and Zero Carbon Homes*. Royal Institution of Chartered Surveyors, Feb. 2016. <http://www.rics.org/uk/knowledge/research/research-reports/future-of-policy-and-standards-for-low-and-zero-carbon-homes/>

33 *Nature Positive Local Plans. Research Report*. Royal Society for the Protection of Birds, May 2015. <http://www.wildlifetrusts.org/sites/default/files/files/Nature%20Positive%20Plans%20report.pdf>

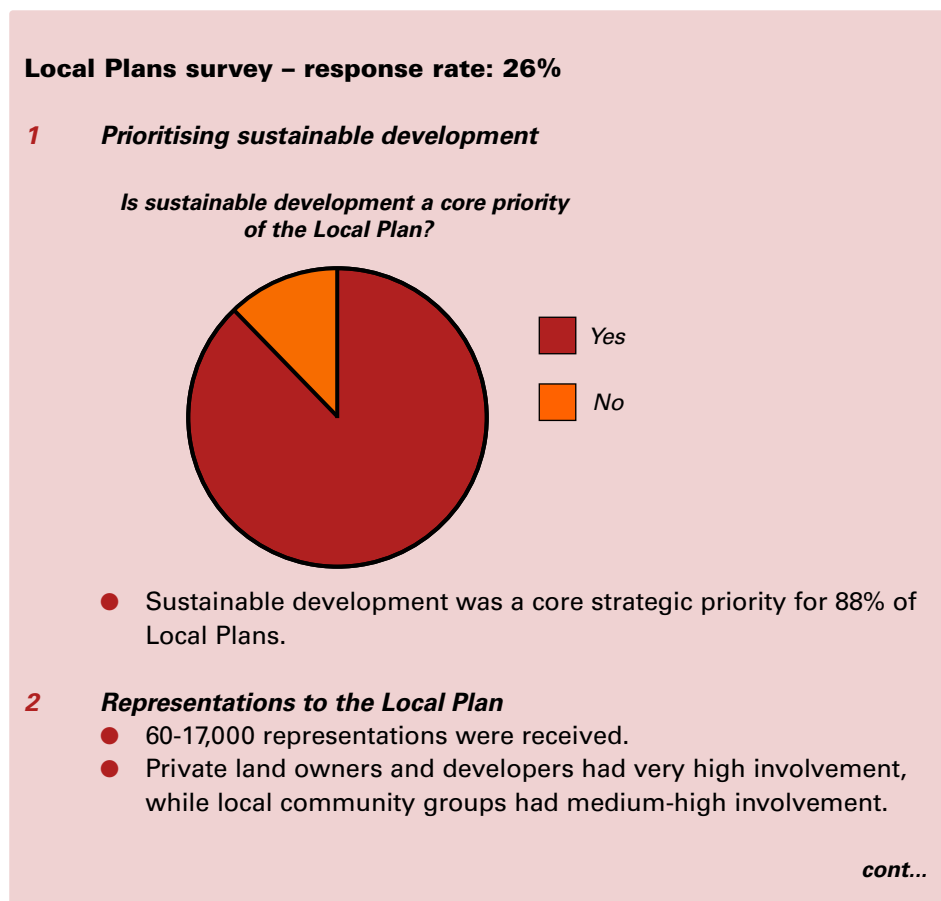
34 *Climate Change in Local Plans*. TCPA, for the Joseph Rowntree Foundation, 2016 (forthcoming)

and 63% did not have a target for renewable energy generation. In some cases, draft policy wording on renewable energy or building standards had been modified by the Planning Inspectorate such that it could be overruled by the NPPF viability test.

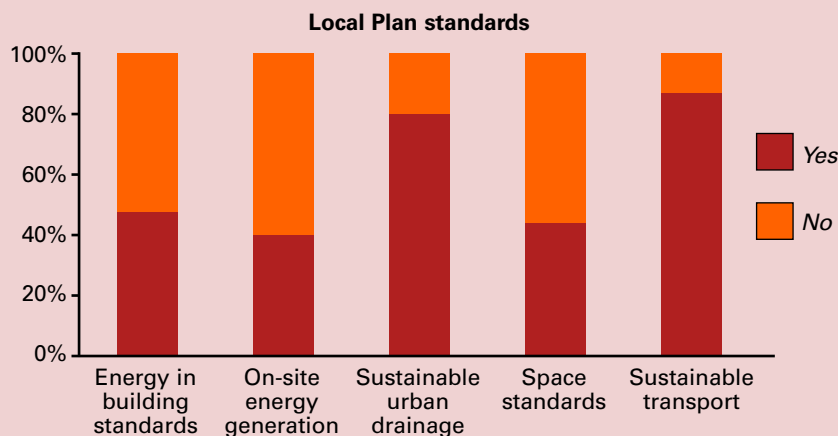
3.11 Existing research therefore demonstrates that following the publication of the NPPF local authorities are cautious about being prescriptive on setting policy requirements for action on sustainable development and climate change. This has led to a hollowing out of policy in Local Plans that has resulted in a gap in detailed requirements on issues such as biodiversity, ecology, building standards, sustainable energy, and climate change, all of which are fundamental to the delivery of sustainable development.

Local authority survey results

3.12 Two surveys were carried out as part of this research. One looked at Local Plans and the other at Local Minerals Plans published after the NPPF came into effect (in March 2012). The results of these surveys are illustrated below.



3 Local Plan standards and requirements



Energy

48% of Local Plans contained specific energy performance standards for buildings.

- Standard used were in line with, for example, with Building Regulations, the Code for Sustainable Homes, BREEAM standards, or EcoHomes standards.

40% of Local Plans contained requirements for on-site energy generation (Merton rule approach).

- Requirements were mostly for more than 10% of energy needs from on-site renewable energy equipment for developments of more than five dwellings.
- For one local authority the requirement was for 100% of energy needs from on-site renewable energy equipment for developments of more than 500 dwellings.
- Some requirements not specified.

Sustainable urban drainage

80% of Local Plans contained requirements for sustainable urban drainage.

- Requirements ranged from not specified to 100% *'where appropriate'*.
- Requirement *'unless it can be demonstrated that such measures are not viable or technically feasible'*.

Lifetime Homes/space standards

44% of Local Plans supported Lifetime Homes or a specific space standard from the national building standards framework.

- In some cases, no specific 'bold type' policy, but set out in pre-amble.
- Some included standards on Lifetime Homes.
- *'The Building for Life standards are likely to be removed following examination of the Local Plan after developer objections.'*

Sustainable transport

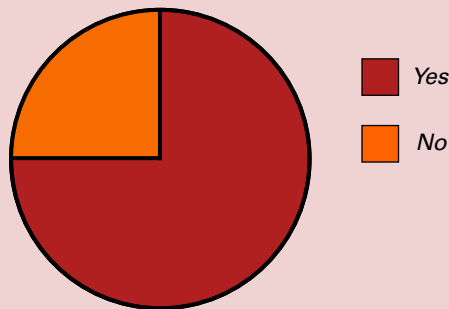
84% of Local Plans contained requirements to improve access to sustainable modes of transport and electric car charging points.

- Use of travel plans.
- Promotion of walking and cycling in new developments.
- Requirement for one in five parking spaces to have an electrical charging point.
- Minimising parking in most accessible locations.
- Provision of new bus services for major urban extensions.
- Multi-modal transport options/modal shift away from car use.

Minerals Local Plans survey – response rate: 44%

1 *Prioritising sustainable development*

Is sustainable development a core priority of the Local Minerals Plan?

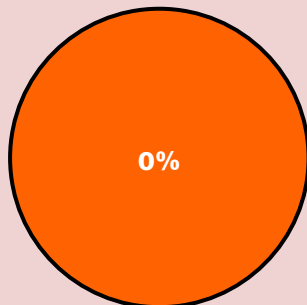


- Sustainable development was a core strategic priority for 75% of Minerals Local Plans.

2 *Representations to the Local Minerals Plan*

- 25-1,900 representations were received, varying depending on the stage of the plan.
- Private sector landowners and developers (or their agents) were more involved than individual members of the community and local community groups.

3 *Local Minerals Plan evidence-gathering*



0% of local authorities undertook:

- an assessment of baseline carbon dioxide emissions – however, one respondent looked at the carbon dioxide emissions of different growth options for the Core Strategy, and commissioned an ecological footprint to show current levels of carbon dioxide emissions and energy consumption (not part of the Minerals Local Plan);
- a specific carbon assessment for energy minerals (resources).

13% of local authorities assessed the cumulative impact of carbon dioxide emissions for approved energy minerals – comments included:

- *'What would be the point in assessing this? We are unlikely to refuse an application on the basis of cumulative impact of carbon emissions.'*
- *'Policy DM 12: Cumulative Impact addresses all mineral and waste development types in that impacts from one development in any*

cont...

particular area may give rise to impacts that, when controlled by mitigation, are acceptable and do not give rise to any unacceptable adverse impacts. However, two or more developments of a similar nature within close proximity to each other may act together to cause impacts that are not acceptable, even with mitigation incorporated into the design for each development. The policy does not discriminate, nor does it identify energy minerals specifically.'

- *'This may feature in the future.'*

4 National policy context – shale gas

50% of local authorities felt that national policy on shale gas provides for local discretion in the extent of the technology's deployment – comments included:

- *'There is scope for minerals planning authorities to define potential production areas, but this requires greater knowledge of the resource.'*
- *'The local planning authority has been given specific instructions about what objections to fracking applications it can and can't consider; this is in direct contrast to the requirement for community acceptance of wind turbines.'*
- *'It is a mineral resource, and thus like any other has to go through the normal planning process. It is not given additional local discretion over and above any other mineral type that is planned for in Local Plans or through the development management system.'*
- *'Applications will be determined in line with the policies contained with the Local Plan and national policy where plans are silent. Fracking is a process. Shale can be extracted without it. Fracking is either needed for flow or not.'*



4

the condition of the english local plan

4.1 The objective of this report is to provide a synthesis of existing research on the delivery of sustainable development and sustainable outcomes through Local Plans in England. It includes the results of a high-level survey of Local Plans and Local Minerals Plans. Section 1 noted the need for a systematic ‘test’ of sustainable development in Local Plans and the importance of distinguishing between the established notion of sustainable development in the 2005 UK Sustainable Development Strategy and the very different expression of sustainable development in the NPPF. Nonetheless, it is these two tests, both of which remain Government policy, that form the basis for assessing the performance of Local Plans.

4.2 There are also significant methodological limitations to the existing research examined in the literature review and in the survey conducted for this report. There is, for example, no central collection of local authorities’ Annual Monitoring Reports (AMRs), so there is no national picture of ‘progress’ in Local Plan content and implementation beyond statistics on the rate of adoption. Government statistics are overwhelmingly focused on the speed of decision-making and the quantity of housing units approved and built. DCLG conducts no research on the quality or long-term impacts and benefits of what is built. There is as yet no complete research into the outcome of the reformed Local Plan system. The studies that have been made examined the system from a particular lens of policy, such as housing delivery or climate change. Many of these reflect concerns that the system is not delivering the long-term outcomes that the system was developed to deal with.

4.3 While document analysis and case studies can provide an in-depth view of planning practice, surveys have much more limited value. Respondents are likely to provide the best picture they can of corporate behaviour, which explains the gap in survey results between what planners record as their objectives and the actual scale of practical policy development on sustainable development. Even with this significant caveat, it is disturbing that a significant minority (25%) do not believe that their Local Minerals Plan was focused on achieving sustainable development. The survey and wider literature review provide examples of the kinds of policy that are no longer core to Local Plan delivery – there are examples from the X report on Lifetime Homes³⁵ and from the Adaptation Sub-Committee on climate change.³⁶ The TCPA's four in-depth case studies for the *Planning Out Poverty* report³⁷ illustrated a system that was, in some cases, failing to secure basic outcomes on transport and housing which could have assisted on poverty reduction. Finally, recent analysis of the performance of Local Plans on the delivery of action on climate change undertaken by the TCPA for the Joseph Rowntree Foundation (JRF) has revealed a complex web of dysfunction on climate policy, from data collection to policy formulation to implementation.

4.4 The test of the Local Plan system used in this research is whether it delivered sustainable development against the objectives in national policy and the provisions of the 2005 UK Sustainable Development Strategy. Taken as a whole, the answer is that the Local Plan system is failing both of these tests. The detailed policy that shapes outcomes rather than the rhetoric contained in Local Plans shows a major gap, not just between the 2005 definition of sustainable development but against even the more limited requirements of the NPPF.

4.5 Climate change best illustrates this delivery gap, partly because of its significance as a long-term and inter-generational issue with social justice implications, and partly because delivery of action on carbon dioxide emissions is so variable, and, on the whole, weak. This conclusion is based not on an aspiration for some ideal approach to carbon in Local Plans, but on the law and on policy requirements. The extent of this failure to deliver against these frameworks is set out in the TCPA/JRF report, but a summary of the narrative is as follows:

- Section 19 of the 2004 Planning and Compulsory Purchase Act requires Local Plans to set out policy on climate mitigation and adaptation.
- The NPPF makes clear the need for radical reductions in carbon dioxide emissions in line with the objectives of the 2008 Climate Change Act.
- Planning Practice Guidance suggests an approach to monitoring carbon.

4.6 In this context **the fact that 70% of the Local Plans examined in the TCPA/JRF research had no carbon dioxide emissions reduction targets is striking**, as is the fact that none of the Local Minerals Plans surveyed for this report had attempted a baseline carbon dioxide emissions survey. Even accepting the Government view that emissions resulting from the use of energy minerals is not a local planning issue, all other forms of emissions, including questions of how energy minerals such as coal are transported, are the responsibility of Local Minerals Plans. In any form of plan process, a baseline assessment for carbon dioxide emissions is the vital prerequisite for

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- 35 'New evidence shows councils lack plans to meet accessible housing demand'. Webpage. Habinteg. <http://www.habinteg.org.uk/latest-news/new-evidence-shows-councils-lack-plans-to-meet-accessible-housing-demand-1050>
- 36 *Progress in Preparing for Climate Change. 2015 Report to Parliament*. Adaptation Sub-Committee, Committee on Climate Change, Jun. 2015. https://www.theccc.org.uk/wp-content/uploads/2015/06/6.736_CCC_ASC_Adaptation-Progress-Report_2015_FINAL_WEB_250615_RFS.pdf
- 36 D. Thompson: *How Effective is the Land-Use Planning System in Avoiding Inappropriate Development on the Flooplain?* Adaptation Sub-Committee, Committee on Climate Change, 2015
- 37 *Planning Out Poverty: The Reinvention of Social Town Planning*. TCPA, Nov. 2013. <https://www.tcpa.org.uk/planning4people>

effective climate change policy and the only basis for monitoring the effectiveness of such policy.

4.7 Unlike climate change, the national requirements for other key outputs such as sustainable urban drainage, good design and accessible homes are expressed in 'softer' policy terms. The evidence from the literature review suggests that there are wider-ranging concerns about whether these considerations are being given sufficient priority. Since policies such as those on sustainable urban drainage and buildings standards are subject to viability testing, it is always likely that they can be secured more effectively in high-demand areas such as London. This implies a regressive approach to standards and design, in which low-demand places are forced to accept lower standards of place-making. The situation is reinforced by the regressive nature of Community Infrastructure Levy and Section 106 agreements,³⁸ which also depend on using development values.

4.8 The very best we can say about Local Plans is that they take a highly variable approach to the delivery of sustainable development, with an increasing trend to de-prioritise key issues such as carbon dioxide emissions reduction.

Is there a trend?

4.9 So far, there is a discernible a trend of the newest Local Plans reflecting the NPPF framework, which is being read as stressing housing delivery and growth. The survey, along with results of existing research, suggests a strong hollowing out of the policy content of Local Plans, from the erosion of a broader concern with sustainable development and place-making in all its complex interrelationships to a much more simplistic view of planning as simply a delivery route for housing numbers. Very broadly, two forms of local planning and Local Plan can be distinguished:

- First, there is the post-2010 vision of a plan with reduced scope, and with a remit overwhelmingly focused on housing land supply (although this does not necessarily translate into the delivery of homes). It is a system which does not, on the whole, translate the rhetoric of sustainable development into a coherent set of policy reflecting, for example, the objectives of social justice, inter-generational equity or sustainable resource use. In more immediate and practical terms, the literature review illustrates that such plans do not even address some basic problems that confront us now, such as climate resilience. This view of planning comes dangerously close to conflating the private interests of landowners and developers with the wider public interest.
- The second conception of planning, in which sustainable development remains a real rather than a rhetorical golden thread, is much harder to discern. It is often represented in local authorities that have a long track record of concern with sustainable development or are operating very high demand areas, such as London, where viability has not had the same impact on Local Plan policy as elsewhere.

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³⁸ The Community Infrastructure Levy and planning agreements enabled by Section 106 of the 1990 Town and Country Planning Act both create a levy on development values for public interest outcomes

Why are Local Plans failing the sustainable development test?

4.10 The reasons why **Local Plans are failing the sustainable development test** are complex, but there are four main contributing factors, as set out below.

National policy

4.11 The NPPF does not reflect a coherent vision of sustainable development. Its non-conformity with the 2005 Sustainable Development Strategy creates an illogical and confusing policy position. There is also a defining policy weakness in the NPPF on questions of social justice, inter-generational equity and resource conservation – exhibited, for example, in the weakness of the policy on climate adaptation. The application of the NPPF in practice compounds this problem. Rather than setting out a set of equally weighted policies, there are clear gateway tests that plainly outweigh other important considerations. These include the presumption in favour of development, the related test of a five-year housing land supply (a factor deemed to determine whether a Local Plan is ‘out of date’), and the viability test. These policies have come to define the soundness test of plans, and for other cultural and political reasons have led to whole sections of the NPPF, most particularly on climate change, being very substantially played down, and in some cases ignored, in the formulation and outcomes of Local Plans.

4.12 This position becomes even more complex when we reflect on the considerable amount of national policy relating to renewable energy or shale gas, which has been published separately from the NPPF, and on decisions relating to the cancellation of the zero-carbon commitment, which raise questions over the logic of how building standards and energy requirements are now deployed. The issue is simply that while the NPPF and Planning Practice Guidance are very clear on the imperative for carbon dioxide emissions reductions, the policy in relation to key technologies such as onshore wind has made the practical means of achieving reductions much more difficult. Practitioners are left juggling a series of contradictions in national policy.

4.13 Policy in relation to open-cast coal is equally contradictory. While government energy policy has clearly signalled an end (by 2025) to coal-powered electricity generation, the NPPF and Planning Practice Guidance continue to identify coal as a mineral of ‘national importance’, thus underpinning environmentally damaging open-cast planning applications. The ostensible presumption against such applications in the NPPF (paragraph 149) has been undermined in practice. These contradictions need to be resolved.

4.14 For simplicity we can characterise national policy as a series of conflicting objectives underlined by the abandonment of a holistic view of sustainable development as the key objective of planning. The application of this policy is even more stark, with key sections of NPPF policy that might have supported sustainable development simply being ignored.

The role of the Planning Inspectorate

4.15 For the reasons set out earlier, the Planning Inspectorate plays a crucial role in testing the soundness of plans, providing the key test of the accessibility of a plan in relation to national legal and policy frameworks. It is not for PINs to determine the meaning of sustainable development independently of government but it must ensure that NPPF policy is upheld in Local Plans. It remains unclear why those parts of the NPPF that relate closely to goals of sustainable development are not being upheld. How, for example, can those Local Plans and Local Minerals Plans prepared after the production of the NPPF be judged sound when they do not offer coherent responses to climate change or reflect NPPF policy taken 'as a whole'? The answer relates to questions of political leadership, and in particular the consistent messages given to PINs and local government about the real priorities for the planning service. It is, as the quote in paragraph 2.13 on page 10 illustrates, easy to find a string of messages about the supposedly negative impacts of planning and the need for growth, but impossible to find a Ministerial or Written Statement from the period between 2010 and 2016 which included content on climate change or social equity.

Resources for the planning service

4.16 There is little doubt that a lack of resources is having a major impact on the efficiency of local plan-making. The position is not universal, but the research carried out by the TCPA for the JRF on Local Plans and climate change found examples of planning teams falling below the critical mass necessary for plan formulation and operating without the resources to commission advice or secure training and professional development. This lack of capacity impacts upon all aspects of the plan-making process, from the ability to facilitate dialogue with communities to the time taken to process evidence. It is one part of the explanation for the time taken to prepare Local Plans, and may account for the increasing focus of plan policy on priority areas.

Political leadership

4.17 Planning is a political as well as a technical activity, and the impacts of political leadership on its direction and values are profound. At the local authority level, the literature review illustrates the de-prioritisation of sustainable development as a core planning objective and a focus instead on growth. The culture of the planning service in many local planning authorities responds to these signals, and it is unrealistic to think that planners can sustain the objectives of sustainable development if politicians do not support them. At a national level there has been no high-level commitment to the ideas of sustainable development. It has not featured in any meaningful way in policy emerging from the Treasury, the Number 10 Policy Unit or the Cabinet Office. A politics of austerity, combined with a notion of economic growth unaccompanied by concern for resource use or equity, has become the dominant political paradigm. The reform of the planning system reflects that policy reality.

Local Plans and sustainable development

- 4.18** From the evidence considered in this study, one cannot conclude that the local planning system contributes to sustainable development or to a wide range of crucial sustainability outcomes. Neither can one reasonably conclude that planning reform has been driven by the imperative of realising long-term sustainable development in the wider public interest. The hollowing out of the Local Plan system to support macro-economic objectives is the key driver for change – and in limited terms has been highly successful, with the planning system consenting sufficient housing to meet demographic demand.
- 4.19** Sustainable development has been perceived as a barrier to development, and, as long as this division between growth and sustainable development is in play, there is unlikely to be a consensus on the objectives of planning. In fact, pre-2010, planning had many flaws, not least its inability to plan for sufficient new housing. But many of its failings stemmed from local political resistance, including the failure to make plans that might have to confront housing need. It was this issue rather than the intrinsic policy characteristics of sustainable development that led to frustration with planning. Large-scale housing growth is possible within the sustainable development paradigm, and in fact in England today the social dimension of sustainable development requires it. However, the location and character of housing development would be different and delivery would involve proven mechanisms for the achievement of high-quality growth, such as new communities and new development models.



5

recommendations

- 5.1 Local Plans are simply failing to deliver the right kind of outcomes for people, for the economy and for the environment.** The reasons for this are complex, but the overwhelming problem is a lack of consensus on what planning and plans are for. For over 100 years the purpose of planning has been about the wider and messy endeavour of shaping places to ensure that social, environmental and economic progress is holistically integrated. There were of course failures and successes, but since 2010 the ambitions of this wider place-making endeavour have been effectively and systematically marginalised.
- 5.2 Putting this right is a complex matter and will take time, but the first and most important step is to give the Local Plan system a strong statutory purpose based on the delivery of sustainable development.** This would give a crucial signal to the wider public and the planning community that planning must serve the wider public interest, over the long term and in a way that secures the welfare of current and future generations. This purpose is entirely compatible with high levels of housing growth – if its location, type and quality meet the real needs of communities while, for example, radically helping to reduce carbon dioxide emissions and enhance the natural environment.
- 5.3** The following recommendations are focused on three areas of immediate action to help rebuild the integrity of Local Plan. The penultimate recommendation, for a Royal Commission on the future of the planning system, reflects the longer-term ambition to restore a plan-led system as a key mechanism for delivering sustainable development. The recommendations are interlocking, reflecting the need for both a

stronger policy objective for planning and the resources vital to effectively deliver such objectives.

Recommendation 1: Giving the planning system a purpose

5.4 The Government should create a holistic statutory purpose for the planning system. The forthcoming Housing and Planning White Paper provides an opportunity to address this need.

5.5 Local Plans cannot function effectively or command public confidence without a clear, high-level definition of sustainable development that can be demonstrated to promote essential sustainable outcomes. The definition of sustainable development currently contained within the NPPF and associated guidance and statements is complex, contradictory and has no clear relationship with the 2005 UK Sustainable Development Strategy. The current legal requirements on planning are fragmented and, in relation to sustainable development, extremely weak. An amendment to the Planning and Compulsory Purchase Act 2004 would make clear in statute that the purpose of planning is the achievement of long-term sustainable development and place-making.

Recommendation 2: Making changes to national planning policy

5.6 A refocusing of the planning system on the achievement of sustainable development and sustainable outcomes will require changes to national policy contained in the NPPF. This report has made clear that the NPPF contains some useful policy which could contribute to delivering sustainable development, but that its application in practice is based on key gateway tests which can have perverse outcomes in terms of the public interest. Given the legal and policy complexity of fixing all of these contradictions there is a case for a root-and-branch review of the NPPF. However, five immediate changes to the NPPF would contribute to more sustainable outcomes:

- Reinforce paragraph 6 to make clear that all aspects of the NPPF must be applied to decision-making, including those on carbon dioxide emissions reduction.
- Reframe the narrowly defined viability test in a more balanced and rational manner to allow for the consideration of economic data on the benefits to the public sector, and therefore wider economy, of policy measures such as affordable homes, Lifetime Homes, climate change adaptation, and design to promote human health.
- Return to the internationally accepted definition of sustainable development articulated in 2005 UK Sustainable Development Strategy, with its five interlocking principles of living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. These elements can be translated into the operational principles of the planning service and should underpin all aspects of NPPF policy.
- Set out the presumption in favour of sustainable development in a more logical and balanced form. It should be based upon the above definition of sustainable development and reflect the legal imperative of a plan-led system. Planning refusal should require a demonstration, not of 'significant harm' to the environment, but that the proposal does not meet the broad objectives of sustainable development.
- Undertake a fundamental review of planning policy for energy to ensure that the system operates logically to promote a radical

reduction in carbon dioxide emissions. Reform should include both the restoration of a presumption against particularly damaging forms of mineral extraction such as open-cast coal and a consistent approach to the benefits and impacts of renewables and, for example, shale gas.

Recommendation 3: Restoring planning powers to local government

- 5.7** Both the survey and the literature review undertaken for this report illustrated the growing confusion over the powers and local flexibility of the planning system. The highly centralised approaches to policy on housing standards, shale gas and onshore wind severely limit local discretion. At the same time, the major deregulation of local planning through the expansion of permitted development has reduced the scope of local planning powers over issues that directly impact on the quality of place-making.
- 5.8** It is of course vital that national government play a role in setting strategic priorities and minimum standards, but there should be much greater honesty and clarity about the scope of local community discretion. **On the whole, it should be for local planning authorities to set policy to reflect both national priorities and local circumstances.** Government policy on high-level priorities would be much more transparent and efficient if they were expressed in a national spatial framework. The Government should also take an evidence-based and impartial view of policy on development issues. This is particularly important in relation to energy, where current policy on different energy sources is irrational in relation to their relative benefits and the degree of local discretion.
- 5.9 The Government should reverse the central deregulation of permitted development, housing standards and energy sources to give local authorities discretion to reflect local circumstances. The Government should remove local discretion only when there is an issue of overwhelming public interest, supported by clear evidence. Issues of national importance should be clearly expressed in a national spatial framework to support local plan-making.**

Recommendation 4: Providing support for the planning service

- 5.10** There is no doubt that the planning service requires significant investment and renewal. It also requires support from expert bodies that can provide accessible evidence. It is notable that while there are residualised bodies for advice on flood risk and biodiversity, there are no such sources of advice on wider sustainable development issues or climate mitigation and adaptation.
- 5.11 The Government should consider expanding the role of the Committee on Climate Change to advise local government directly on carbon dioxide emissions reduction. The Government should reinstate the Sustainable Development Commission, with a renewed remit that includes support for local delivery.**

Recommendation 5: Rebuilding planning practice

- 5.12** This report highlights the decline of resources in the planning service and supports the conclusion of parallel research that capacity in some

Local Plan teams has fallen below the 'critical mass' necessary for effective and efficient plan-making. Urgent action is needed to direct sufficient resources into the planning service to maintain an adequate minimum standard of service delivery.

- 5.13 The planning service fulfils a core function in the public interest: the Government should set minimum service requirements from local government and where necessary consider funding those requirements.**

Recommendation 6: Remaking the planning system

- 5.14** The planning system has been subject to intense change for the last two decades. There has been no consolidating legislation for more than 25 years, and planning law is now complex and fragmented. What is even more important is that the key questions of the scope, purpose and governance of planning are increasingly unclear. **What is evident is that planning's outcomes, measured in terms of matters such as the delivery of affordable homes, reductions in carbon dioxide emissions or support for healthy lifestyles, do not reflect the long-term public interest.** From the Barker Review of Land Use Planning in 2006 onwards, there have been a series of reviews of planning practice, but not one has been directed at the system as whole or its capability to deal with the complex nature of current and future challenges. The last attempt to do so was in the Royal Commission on Environmental Pollution's twenty-third report, *Environmental Planning*, in 2002, and even this did not fully reflect the social dimension of the planning system. The need for a full and expert examination of the planning system and its role in promoting sustainable development is now long overdue; such an examination could make a vital contribution to a lasting consensus on the purpose of the system.

- 5.15 The Government should set up a Royal Commission with wide-ranging terms of reference to explore whether the scope, structures, policy and governance of the planning system in England promote the long-term sustainable development of the nation.**

Recommendation 7: Making it happen – a new coalition for democratic planning

- 5.16** The debate on the future of planning is highly politicised and very often divisive. But the planning system was intended to reflect the wider public interest rather than serve any one set of special interests. The restoration of an effective and democratic planning system will require a cross-sector coalition of interest that reflects the needs of private, public and third sector interests alike. Above all, it must reflect the aspirations of the communities that use the system and experience the outcomes of planning decisions.
- 5.17 A new cross-sector coalition is required to advocate the benefits of planning based on the principles of sustainable development.**



conclusions

- 6.1** Planning was once a visionary and inclusive way of shaping places for the good of the whole of society, but the planning system is now deregulated and confused and often fails to support the high-quality place-making that we all want to see. Planning law is focused overwhelmingly on process, with no statutory purpose for planning that might be a touchstone for local action.
- 6.2** This report provides a snapshot of a system which risks sliding into crisis. With reduced powers **as a result of a radical extension of permitted development, a critical lack of resources and conflicting national policy, the Local Plan system faces a bleak future.** This matters because planning shapes places over the long term and can have profound impacts on people's life chances and wellbeing, as well on our resilience to future climate change. Meeting human needs, and particularly solving the housing crisis, is entirely compatible with sustainable development. Good sustainable design increases personal choice and reduces the costs of expensive retrofit measures and publicly funded services. Planning plays a key role in shaping decisions for the wider built environment, as well as on individual buildings and developments.
- 6.3** Planning is one the few areas of public policy capable of taking a long-term view. Through planning we can anticipate and plan for the demographic and climate changes that will have a profound effect on our future. The English planning system is in crisis at precisely the time when we need it most to help organise for challenges facing the nation. Saving the system and renewing it to meet these challenges requires, above all, a new coalition of interest formed by those who share a common concern for the nation's long-term sustainable development.



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A Crisis of Place: Are We Delivering Sustainable Development through Local Plans?

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