

planning reform – a ‘tetralogue’

A debate between participants **Ben Southwood, Rosie Pearson, Ed Shepherd** and **John Myers**

Introduction by TCPA Policy and Projects Manager **Daniel Slade**

It is hard to pinpoint when it changed, but planning and housing Twitter feels like a far more brutal place than it did a few years ago. If your daily scrolling experience is anything like mine, it tends to begin with a mix of nice architectural photos (today, some lovely inter-war Doric columns in Llandudno), useful analysis of government policy, @PlanningShit, and some valuable reminders that we are on the brink of climate apocalypse, before degenerating into the usual planning reform dog fight: crosstalk, meaningless point-scoring, virtue signalling, basic rudeness and *ad hominem* attacks, and repetition. No-one gets anywhere and everyone – or at least most of us – end up miserable. All watched over by algorithms of loving grace.

It is true that planning reform Twitter is a societal bubble within a bubble, within a bubble. But it's hard to shake the feeling that the state of the online debate does matter, and not just because it represents a wider malaise. The platform has obvious limitations, which limit Twitter as a medium, but a huge amount is at stake, and in the frank and open exchange of views and information there is something worth salvaging.

Promoting debate

Since well before the current information age, beginning deep into the steam age, the TCPA has been an extremely broad church. Ebenezer Howard's idea of the Garden City emerged not from formal education, but from his engagement with the streams of radical thought that circulated in London's 19th-century debating societies, dissenter churches, radical journals, and fellowships. A fellow founder-member of the TCPA, J Bruce Wallace (also founder of the anarchist-pacifist

Brotherhood Church), described the membership of such groups:

*'Every kind of 'crank' came and aired his views on the open platform, which was provided every Sunday afternoon. Atheists, Spiritualists, Individualists, Communists, Anarchists, ordinary politicians, Vegetarians, Anti-Vivisectionists, and Anti-Vaccinationists – in fact, every kind of 'anti' had a welcome and a hearing and had to stand a lively criticism in the discussion which followed.'*¹

In the 1970s and 1980s, Colin Ward, one of the TCPA's most high-profile and influential officers of that era, focused on environmental education. And in 1969, Professor Sir Peter Hall, later Chair of the TCPA for many years, was an author of 'Non-plan: an experiment in freedom' – a thought experiment in radically deregulated urban planning. Perhaps we should expect such diversity from an organisation that unironically finds some of the purest expressions of the Garden City idea in the state-driven modernism of the post-war New Towns.

An experiment

So, while the TCPA has always campaigned in single-minded fashion for its core principles, it has also promoted debate about how society should act on them. What follows is a small experiment in this tradition. It is a written debate about English planning reform that attempts to salvage what is positive about the direct and accessible discourse that Twitter facilitates, while moving it into a more productive place – one which encourages real exchange, alongside a fuller expression of ideas and references. If it is deemed a success, it may be the first of many, on a range of different topics.

The form of the debate is intended to offer more space than Twitter, but not to allow essays. During late August and early September, four contributors, very roughly representing different corners of the planning reform Twitter debate – YIMBYism,² planning academia, grass-roots environmental activism, and centre-right think-tanks – were invited to contribute to a four-way conversation (or ‘tetralogue’) about the government’s proposed planning reforms. To keep the process fluid, no specific opening question was set. The opening contribution, from Ben Southwood, was to broadly support the Planning White Paper reforms, with others responding concurrently and in no particular order. Each contributor was offered around 400 words per contribution, and the process was continued until a natural end-point seemed to be reached. The contributors are:

- **John Myers**, a founder of the YIMBY Alliance and London YIMBY. He has worked with several influential pro-market think-tanks, and has been particularly involved in the development of the ‘street votes’ policy concept.³
- **Rosie Pearson**, Chair and Co-Founder of the Community Planning Alliance,⁴ which supports and lobbies for more than 500 local campaigns against unsustainable development.
- **Ben Southwood**, formerly Head of Housing, Transport and Urban Space at Policy Exchange.
- **Dr Edward Shepherd**, Associate Professor of Planning and Development at the University of Reading. He has a particular interest in how ideology and politics shape planning policy and regulation.⁵

Notes

- 1 N Shaw: *Whiteway: A Colony in the Cotswolds*. CW Daniel & Co., 1935; cited in D Hardy: *Alternative Communities in 19th Century England*. Longman, 1979
- 2 ‘Yes in my back yard’, a position counterposed to NIMBYism. The YIMBY movement is very diverse, but members generally support the reform of planning systems in order to enable more housing to be built. They generally, but not always or entirely, ascribe the housing crisis to planning systems reducing the elasticity of housing supply, partly as a result of political demand for protection from development
- 3 J Myers: *Smarter Zoning by Street and Block*. American Planning Association, 2021. www.planning.org/publications/document/9219200/
- 4 See the Community Planning Alliance website, at <https://grassrootscampaigns.weebly.com/>
- 5 See E Shepherd: ‘Ideology and institutional change: the case of the English National Planning Policy Framework’. *Planning Theory & Practice*, published online 25 Jun. 2021. www.tandfonline.com/doi/full/10.1080/14649357.2021.1942528

Ben Southwood

In the Planning White Paper the government proposed, for England, a system of allocated sites that would be familiar to planners in much of the world. In fact, we already have such a mechanism: through Local Development Orders, planning authorities can permit buildings of a specific design on a specific site. If the government had simply proposed that authorities pass a Local Development Order for each site allocated in the Local Plan, there would have been less controversy. The fundamental question is whether what will be permitted will match local wishes. The devil is very much in the details, which, at the time of writing, remain to be seen. There will need to be plenty of time to specify detailed designs before the plan is passed.

In seeking to move to a zonal system, the government aimed to reduce uncertainty and the regulatory burdens on developers of private and social housing. These burdens are often considerable, which has favoured the small number of large private developers who can bear them more easily. Many argue that the resulting oligopoly has led to lower quality, as well as England’s notoriously low build-out rates. The key question is whether this burden can be reduced without compromising the protections that the current system provides. Again, the devil will be in the details of the forthcoming Planning Bill.

The government also wishes to emphasise design codes as a way of ensuring quality. Many local authorities already have plentiful rules on design. More robust design codes may be a useful tool for authorities, but they are not the whole solution. The bigger question is whether we should take a more proactive approach to planning. Should communities have to passively accept or reject developers’ proposals, or should they be empowered to tell them what sort of development they want to see?

‘Broadly, I think the answer lies in more community-driven approaches to development’

Broadly, I think the answer lies in more community-driven approaches to development. Some have suggested giving villages more power to allow housing of the kind they want nearby. The American Planning Association and the RTPI have both suggested pilots that would let smaller groups of residents approve plans for more housing on their own street, or on backlands between the houses. Densities could potentially rise to levels suggested by Ebenezer Howard, of up to about 235 persons per hectare, furthering the TCPA goal of ‘20-minute neighbourhoods’.

We need to build more and better. Few would argue that the current system is perfect. The question is how to move forward.

Rosie Pearson

As Ben Southwood rightly says, communities need to be in the driving seat.

It is unsurprising that the Community Planning Alliance now has over 500 grass-roots groups self-registered on its national campaigns map. People are fed up with having planning done *to* them by government, councils, and developers. To that end, it is positive that, in the *Planning for the Future* White Paper, the government talked of an intent to improve engagement in plan-making.

Unfortunately, government giveth and it taketh away ... with more on the taking away side of things. That is because, first, the stated intent was to remove the community involvement at later stages by granting consent in principle through its zoning proposals. No more commenting on planning applications.

In addition, far too much planning is done by appeal. This is due to the NPPF's paragraph 11d, better known as the presumption in favour of development. You will notice that I cannot bring myself to use the word 'sustainable' in that context. Sites which are considered inappropriate and would not otherwise be granted permission are getting swept through the system. Where I live, the council's Local Plan process started in 2015 and got bogged down by 'garden communities', and the last part has finally been examined this summer. In the meantime, developers have made hay. No five-year land supply, no Local Plan, no chance of a voice for local residents.

Finally, the government's un-evidenced and out-of-date national housing target is causing huge and unnecessary pressure on much-loved green spaces, in both urban and rural areas.

'There are some quick wins ... that would go some way to reassure beleaguered communities'

There are some quick wins that government could implement. These would go some way to reassure beleaguered communities that their views matter:

- Remove paragraph 11d from the NPPF; or, if that is a step too far for a 'build, build, build' government, add a new footnote banning development on unallocated sites outside village envelopes.
- Insist on Local Plan referendums prior to submission. No positive result, no submission allowed.
- In the forthcoming Planning Bill, retain planning applications and allow comments.
- All Local Plans should be digitised and mapped, with live data so that people do not have to spend hundreds of hours wading through disjointed and wordy evidence.
- Let communities agree a local housing target (and review the national target immediately so

that it is up to date and reflects recent population changes).

Ben is right about density – and that is something that the planning profession can help with. We need a public education programme about the benefits of high-density development versus executive boxes and car-dependent sprawl. I took my children to visit Freiburg's urban extensions. They asked why on earth England's housing estates were so terrible and why we can't build like Vauban and Rieselfeld. With knowledge, communities can make informed choices.

Ed Shepherd

The debate about the English planning system can be unhelpfully adversarial. Developers can be frustrated by what they see as a complex process that can have a negative impact on their returns. As Rosie explains, communities can feel as though planning is being 'done to' them, rather than with them. Planners feel under attack, their profession too often denigrated by the politicians whose policies they apply. This atmosphere of angry mistrust has been exacerbated by the growing political salience of the 'housing crisis'.

'We need to stop framing planning as imposing unnecessary 'burdens' on the development process'

Yes, we need more housing – particularly genuinely affordable housing. Yes, the planning system could do with some simplifying and more certainty. But we need to stop framing planning as imposing unnecessary 'burdens' on the development process. The planning system exists to identify, manage and distribute the risks that arise from development, in the public interest. Given that new development creates significant carbon emissions, and can have a major impact on local character, the economy and the environment that will endure for many decades, these risks can be considerable. It should not be surprising, therefore, that the process in place to consider these should sometimes be complex and lengthy.

As Ben points out, when it comes to the Planning White Paper proposals, the devil will be in the detail. However, until this detail materialises, the concern is that the government is viewing the shift to a more rules-based approach as a means to reduce the range of risks that the planning system can consider in a myopic pursuit of the delivery of housing numbers. Either that, or the proposed reforms exhibit a naïve understanding of what it will take to properly consider such risks during a front-loaded zonal plan-making stage. Ben refers to the

use of Local Development Orders – but research demonstrates that they can be just as complex and time-consuming to prepare as a planning application. It's just that the costs and risks are borne by the local authority earlier in the process, unless shared with the developer.

I agree with Ben and Rosie that we need to better involve communities in planning. More effective engagement that includes a broader cross-section of society should be part of a wider shift in how we debate planning in public. The conversation needs to stop framing planning as a regulatory annoyance, and instead as an opportunity to come together to enable the delivery of truly sustainable development that meets society's collective needs – not just housing.

John Myers

I entirely agree with Ed that the adversarial nature of the debate in general, and attacking planners in particular, is profoundly unhelpful. I also agree that we need more housing and more community involvement.

But we can't all just sit here agreeing with each other. As Ed has noted in other work, the supply of housing in the South East has *failed to keep up with forecast housing need*. People in housing need cannot wait. We urgently need practical, workable ways to strengthen the planning system as much as possible to help deliver badly-needed housing with the support of local communities and without compromising on priorities, including carbon reduction, infrastructure needs, and health. Ed has observed in work on land value taxation that *political support* may be important if reform is to happen.

'We must pilot and test these different ideas and techniques to see which best help achieve our planning goals'

There are many fascinating proposals for how we might work towards that. Rosie proposes, for example, that Local Plans should be digitised and mapped with live data. Ben has proposed pilots of ways to improve the planning system and plan for more housing with stronger involvement of communities; Samuel Hughes has produced another proposal in a similar vein.¹ The TCPA has a great tradition of work around creating new settlements, which can be further informed by new examples from around the world, such as Vauban in Freiburg. These ideas should all be piloted as we investigate better ways of creating the places and outcomes that the country needs.

Planning can achieve its maximum potential only if it continues to learn and adopt useful knowledge

from other fields. Neglected discoveries in Elinor Ostrom's Nobel prize-winning social science research on successful planning efforts by different communities are one example. Recent technological advances are another, including decentralised networks, GIS, and building information modelling. We should also learn from the latest successful efforts in other countries to achieve carbon reduction and better places for people.

We must get to specifics. If we are generally agreed that the way to proceed is by building on the strengths of what we already have, then we must pilot and test these different ideas and techniques to see which best help achieve our planning goals – not just more housing. As Ed's work on land value taxation shows, that must include evaluation of potential political and practical challenges. If we do not seize the initiative, it will be left to others.

Rosie Pearson

I couldn't agree more with some of the things that John Myers says. Vauban in Freiburg is a brilliant example of what we should aspire to in the UK. And yes, the planning system is crying out for greater use of GIS, including for community engagement. When three new towns were proposed in North Essex, the mapping was virtually non-existent. The very few maps that did exist included one with the new town surrounded by gigantic animals, as though life in the countryside is like a safari park, and others which showed only half of each new town, stopping at the district boundary.

'It is imperative that the government gets a grip on what housing need actually means'

My views begin to diverge from John's on two aspects. First, housing need. It is imperative, because so much hangs on it, that the government gets to grips with what housing need actually means. The 300,000-home annual target is tenure-blind, out of date, and unevidenced. Very soon we will know the results of the 2021 Census and that should be the catalyst for a wholesale review of the Office for National Statistics projections. Currently, as all planners know, the government is insisting on the use of the 2014 projections – several years old and with significant changes in the subsequent years from a continuing trend in slowing population growth due to Brexit and a pandemic.

Thorough research is needed into the concept of 'concealed households', which, given that household sizes are not increasing, looks likely to be a myth. And the anomalies in ONS data in around 50 towns, where student numbers and births/deaths are over-



Clifford Harper

inflated, need to be investigated as a matter of urgency, because green space (and Green Belt) is being lost. Once the number is established, then policies need to deliver genuinely affordable (particularly social) housing – not just market housing.

Secondly, new settlements. The North Essex Garden Communities proposals highlighted one thing very starkly: promises cannot be delivered in reality. Land value capture does not deliver enough money. The campaign group that I was involved with looked at the viability of new settlements in great detail and came to the conclusion that from 2,000 homes upwards, viability begins to decline. The bigger the new settlement, the worse the situation becomes: the weight of financing costs and the sheer amount of infrastructure required sinks the ship.

In addition, ‘garden communities’ are not sustainable. They are invariably car dependent and low density and are likely to be dormitory settlements – Transport for New Homes and Smart Growth UK² have done some good research on this. Compact, walkable, 20-minute neighbourhoods with excellent public transport (as in Vauban) – yes. Sprawling ‘garden communities’ – no thanks.

afford better environmental protection, better co-ordination with infrastructure investment, and more effective community engagement.

Part of my objection to the demonisation of planning is that it all too easily conceals the complexity of the issues that contribute to the ‘housing crisis’. The supply and affordability of housing do not depend on planning alone – the structure of the housebuilding industry and the returns demanded by landowners play a large part also. As radical a figure as Sir Oliver Letwin has made this point. Yes, the planning system could identify more sites for development (based on a more transparent and better-justified calculation of need, as per Rosie’s point). But we also need a more diverse range of organisations on the delivery side who are providing housing for a more diverse range of tenures. The cross-party House of Commons Housing, Communities and Local Government Committee recommended in 2018 the reform of the Land Compensation Act 1961 to allow land to be compulsorily purchased at less than market value in order to enable the assembly of land and the viable delivery of more affordable housing.³ This recommendation has been met with silence.

Ed Shepherd

I agree with John that we need to get to specifics. However, these are precisely what were lacking in the White Paper. I do not *necessarily* object to a move to a more zonal and rules-based system in principle, but I am worried that it is advocated on the basis that it will enable the market to lead on the location and type of development at the expense of a more considered and deliberative approach that would

‘The supply and affordability of housing do not depend on planning alone’

As John suggests, there are plenty of ideas that we could explore and pilot. However, for this to happen we would need a government that believes in the positive potential of planning sufficiently to allow local authorities to take imaginative risks. The government should adequately fund councils so that

they have the resources to improve the administration of the current system and pilot new ideas. The White Paper promised investment in a resource and skills strategy for public sector planners (although details are vague) – so why not build on the experience of the last few decades and support the current system to enable it to work better, rather than adopt a high-risk and disruptive radical reform programme? Perhaps because this kind of more moderate approach does not make political careers.

version of the Planning Bill will be much more widely accepted, thanks to the energetic input of bodies like the TCPA. As Ed says, the White Paper did not have enough detail for us to decide: we will have to wait for the Bill.

Ben Southwood

I am glad that Ed has moved the discussion towards land value capture, as this is one of the areas we worked on in my last paper at Policy Exchange.⁴ Our idea was to incorporate land value capture right from the very start. We aimed to make sure that the whole community benefited when housing was delivered, rather than a narrow subsection of landowners, promoters, and developers. We could capture a large share of the private value to make sure that local authorities can invest properly in infrastructure. Housing policy needs to ensure that local authorities are resourced to take this kind of in-depth and holistic approach.

‘I believe that it is possible to get much of the benefit of land value capture by building on the experience of the past few decades’

I am open to other reforms, and I think Ed is right that we should assess the political and other challenges of each proposal. I believe that it is possible to get much of the benefit of land value capture by building on the experience of the past few decades and supporting the current system to work better. I welcome Ed’s openness to pilots a range of supplementary proposals, including expanding the diversity of housing supply as Ed suggests, and the community-led suburban intensification I have worked on personally.

I take Ed’s point that some of the rhetoric around the planning reforms has implied a radical break with the past. I expect the Bill we eventually see will take on a wide range of suggestions and inputs made over the past year. For example, there may well be movement on ‘use it or lose it’ rules around planning permissions, taking on points made around the 1 million unused permissions identified by the Local Government Association.⁵

Just as the simplification of the NPPF was initially deeply controversial in the early 2010s, but the final version was widely accepted, I expect that the final

Rosie Pearson

It is a shame that, as Ed suggests, political careers are made from grand gestures, like tearing up the planning system, not incremental changes and improvements.

Land value capture is always an interesting topic and an important one to get to the bottom of, particularly for large new settlements. The government has already attempted to bake reasonable land prices into viability rules, saying that the price paid for land cannot be used as an excuse not to deliver Local Plan policy requirements.

‘Developers and land promoters are very good at playing the viability game, and planning officers are either ill-equipped or unwilling to challenge’

That said, developers and land promoters are very good at playing the viability game, and planning officers are either ill-equipped or unwilling to challenge. I have recently looked at three examples which demonstrate that, simply by negotiating robustly with a developer, more Section 106 contributions could be extracted for the benefit of a local community:

- In Braintree district, the Section 106 agreement for a 1,000-home development includes car-parking and estate roads as public open space. No officer should have allowed that to slip through.
- In Kent, a land promoter claimed that it was unable to deliver the policy requirement of 30% affordable homes, but a quick glance through the viability appraisal, and the independent report for the council, showed that this was nonsense. Yet officers recommended it for approval. Fortunately, elected members rejected it.
- In South Essex, a developer submitted a high-level viability appraisal that did not contain enough information for any council to challenge – and the independent report for the council was the same. However, even at a glance, it was clear that there was room for manoeuvre and that the developer could have contributed more. Yet the planning application was approved.

It will be interesting to see what emerges in the draft Planning Bill with regards to the new single Infrastructure Levy. My view is that it will have

too much heavy-lifting to do, and there will not be enough money to go around to meet First Homes requirements, deliver other 'affordable' housing, and pay for on-site and off-site infrastructure. It strikes me as reform for reform's sake – it will not deliver any further land value capture.

If I had to make one immediate change to the current system, it would be to ensure that officers are trained to understand viability appraisals, given negotiation training, and supported to manage Section 106 negotiations robustly. By the same token, councillors should be given viability training and a 'top ten tricks of the trade' primer so that they know what to look out for.

Ed Shepherd

We could spend the rest of this exchange debating land value capture. Although normally nothing would give me greater pleasure, for now I will just say that the updates to the national viability guidance were welcome moves in the right direction. However, there is still significant scope for uncertainty and manipulation, partly due to the relative vagueness about how to apportion the land value uplift (tip of the cap to my colleagues Pete Wyatt, Neil Crosby and Pat McAllister, who have done a lot of the work around this⁶). I share Rosie's scepticism about a single Infrastructure Levy, which thankfully now seems to be moving in the direction of being locally rather than nationally set.

The recent shift away from the White Paper proposal for a single, nationally set levy speaks to Ben's point about the heat of the debate possibly subsiding as the proposals are adjusted in response to consultation – and politics. There are indeed parallels with the introduction of the first NPPF. The initial draft included controversial wording which prompted a campaign by a coalition of interests, including Conservative supporters, that succeeded in securing some concessions.

'Local opposition ... cannot be designed out of the system, and it would be dangerous to try to do so'

A similar story is now playing out around the White Paper proposals (and the so-called housing numbers 'algorithm') – but with the added bite of the Chesham and Amersham by-election result. This has driven home the reality of the political difficulties that a government faces when trying to plan for more housing if it wants to retain or secure the support of constituents who live in traditionally Conservative-voting rural areas. Not all of the housing we need can go on brownfield sites.

There is no getting around the fact that there will be local opposition to development in some areas, including some of those where there is greatest need for housing. Some of the opposition can no doubt be vociferously unconstructive. But this cannot be designed out of the system, and it would be dangerous to try to do so – public trust in our democratic institutions and experts is already under enough pressure.

I therefore welcome the promised expansion of neighbourhood planning. I welcome Ben's work on street votes. I welcome experimenting with crowd-sourcing consultation and citizen's assemblies. These all have the potential to provide more meaningful engagement with the planning system and, while such moves will not remove local opposition and politics, they could at least enable more transparent deliberation, and greater legitimacy and support for the resulting decisions.

● **Ben Southwood** was formerly Head of Housing, Transport and the Urban Space at Policy Exchange. **Rosie Pearson** is Chair of the Community Planning Alliance. **Dr Ed Shepherd** is with the Department of Real Estate and Planning at the University of Reading. **John Myers** is Co-founder of London YIMBY and YIMBY Alliance. **Dr Daniel Slade** is a Policy and Projects Manager at the TCPA. The views expressed are personal.

Notes

- 1 S Hughes: *Living Tradition. Adding to Our Heritage with More Homes and Sustainable Intensification*. Briefing Paper. Create Streets, Aug. 2021. www.createstreets.com/projects/new-briefing-paper-august-13th/
- 2 See *Garden Villages and Garden Towns: Visions and Reality*. Transport for New Homes, 2020. www.transportfornewhomes.org.uk/wp-content/uploads/2020/06/garden-village-visions.pdf; and *Garden Communities – and How to Counter Them*. Smart Growth UK, Feb. 2020. https://smartgrowthuk.org/wp-content/uploads/2021/03/Garden_Communities_Report_2020.pdf
- 3 *Land Value Capture*. HC 766. Tenth Report of Session 2017-19. Housing, Communities and Local Government Committee. House of Commons, Sept. 2018. <https://old.parliament.uk/business/committees/committees-a-z/commons-select/housing-communities-and-local-government-committee/>
- 4 S Hughes and B Southwood: *Strong Suburbs: Enabling Streets to Control their Own Development*. Policy Exchange, Feb. 2021. <https://policyexchange.org.uk/publication/strong-suburbs/>
- 5 'Housing backlog – more than a million homes with planning permission not yet built'. News Story. Local Government Association, 20 Feb. 2020. www.local.gov.uk/about/news/housing-backlog-more-million-homes-planning-permission-not-yet-built
- 6 See, for example, N Crosby, P McAllister and P Wyatt: 'Fit for planning? An evaluation of the application of development viability appraisal models in the UK planning system'. *Environment & Planning B: Urban Analytics & City Science*, 2013, Vol. 40 (1), 3-22; and N Crosby and P Wyatt: 'What is a 'competitive return' to a landowner? Parkhurst Road and the new UK planning policy environment'. *Journal of Property Research*, 2019, Vol. 36 (4), 367-86