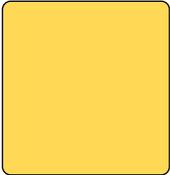


# english planning: a kobayashi maru kind of problem?



Those familiar with the world of Star Trek will know that the Kobayashi Maru is computer-generated training exercise engineered by Spock to be so complex as to be unsolvable. No-one ever succeeds in providing a solution to the test, apart from Captain Kirk, who cheats by re-writing the program. The reform of English planning appears to be very like the Kobayashi Maru test, with the disadvantage for those of us on the team of the Raysford Review of Planning, set up by the TCPA,<sup>1</sup> that we cannot cheat.

The Raysford Review is now into the fourth month of an 18-month journey to explore the strange world of English planning and seek out a better set of solutions. In thinking about solutions the Star Trek series might be an appropriate starting point. In fact, the battle between Spock-like logic and Captain Kirk's pragmatism is exactly what the review team is beginning to confront. To add to the complexity, we seem to be in a strange world in which no-one seems to agree with anyone about anything.

It is, of course, far too early to draw any firm conclusions from the existing review evidence, but there are two major issues which appear to dominate the debate. The first relates to the nature of the evidence that has been submitted; and the second to the complexity of the policy and legal dilemmas which emerge from that evidence.

By December 2017 the review team will have held 20 engagement meetings across the country and a series of individual meetings with organisations. It is perhaps significant that there is a clear gap between what stakeholders will say publicly and what they care to tell us informally and off the record. For example, interviews with public sector planners reinforce a desire not to be seen to talk down planning in their own authority, with a resulting reluctance to express private conclusions about how challenging planning practice is. Likewise, some developers have publicly reflected on the value of a plan-led system, while recognising privately that land speculation 'off plan' has been a highly lucrative part of their business model.

One early conclusion of the review team is that there is a lack of good impartial evidence on many of the issues surrounding planning performance – there is a risk of becoming mired in competing waves of what is essentially hearsay based on the understandable corporate priorities of differing sectors. With limited time, the review team is now focused on trying to fill the research gaps, especially how to establish the scale of poor-quality development emerging from the planning process (a dominant theme in the feedback). Government doesn't measure qualitative outcomes and few in local government wish to shout about what is essentially a story of failure.

The evidence we have seen so far is complex and diverse but is marked by profound disagreement between landowners, developers, NGOs, professional bodies, communities and the government on almost every aspect of the spatial planning system. As far as there is any agreement, it is based on a shared criticism of the current state of planning practice. Ironically, both communities and parts of the private sector are equally frustrated by uncertainty in the system – often for very different reasons. The key areas of concern and disagreement relate to:

- **The purpose and objectives of the system:** The argument here is between those who see planning's priority as solely to deliver housing units in support of the wider economy and those who uphold a traditional view of planning as delivering sustainable development in the wider public interest. It is interesting that some respondents to the review do not see any distinction between the needs of developers and the public interest.
- **The degree to which the current system is delivering its objectives:** The success of the system is entirely dependent on the view taken of its objectives. The system is delivering housing permissions in advance of demographic need, but its record on actual delivery in general is much less impressive. The record on affordability is, of course, extremely weak. Applying a broader test of sustainable development to the system produces a complex picture of dysfunction in relation to a host of outputs, from connectivity, health and climate change to design and equality.
- **How much power the spatial planning system should have:** The use of prior approval and the expansion of permitted development have clearly

restricted the power of planning, and it seems likely that the system is at its weakest since 1947. It is also interesting that a majority of the feedback so far supports the view that the plan-led system is simply a fiction. The failure to use the positive delivery methods of development corporations on any meaningful scale was cited as one reason why planning was regarded as so negative.

- **How the balance of planning powers should be distributed between central and local government:**

There has been broad agreement that local government has lost significant powers, and that a curious position has emerged in which central government has abandoned any role in direct positive planning (for example in engaging with new towns or growth areas) and as a result has focused all its efforts on trying to shape Local Plans.

- **The right spatial structure for planning, including local government structures and boundaries:**

There has been strong articulation of the confusion and 'mess' of English devolution, and of the contrasting benefit of a rational approach, including a national plan and logical strategic planning functions. The review team has gone back to the Redcliff-Maud Commission on Local Government in England and its minority report, and it is perhaps unsurprising that the position now is confused when there has been no detailed reassessment of local government boundaries in England since 1969.

- **The degree to which communities should have meaningful control over their own local environment:**

Of all the evidence we have received so far, it is that from the community sector which has been most damning of the current system. There is real anger about the system not listening to communities or overruling local aspirations. This area is, of course, complex, and these views may be more or less justified. However, the anger is real and leads some contributors to suggest that planning should now be centred on neighbourhood development plans as the dominant decision-making framework. Other respondents are frankly terrified at this prospect, seeing a recipe for complete stasis.

- **The question of betterment and fair land taxation:**

There is an active debate on this issue, and on section 106 and the community infrastructure levy. As yet there is no agreement about how to make land tax less regressive through a mechanism for fair redistribution.

In addition to these questions of policy principle there have been a range of other related issues consistently raised in the evidence:

- the skills of planners, and the content of planning education;

- the poor morale of the planning service;
- the widespread confusion about key policy and practice changes, including the viability test, the legal weight of the development plan, the impact of devolution, the duty to co-operate, and a significant change to the status of green belt; and
- the failure of planning to adequately ensure the co-ordination of investment in a wider range of social, transport and utilities infrastructure.

It is significant that the resourcing of the planning service to enable a positive and informed response to users was by far the most significant issue raised by the private sector. Solving this problem would undoubtedly contribute more in the short term to meeting concerns on delivery than any other single measure.

One positive view of the evidence we have received so far is that it confirms the need for change and the value of asking fundamental questions about what the system is meant to be for. Less reassuring is the complexity and controversy which surround many of these problems. In some cases, they have remained unresolved for decades precisely because acceptable political solutions have been so hard to find.

And this takes us back to the Spock versus Kirk argument. For Spock, no planning reform can take place without a final and lasting settlement to local government structure in England, based on functional geography. The current system is simply illogical and confused. The same might apply to betterment taxation and to clarifying the operation of a plan-led system, and a host of other issues where solutions can be found. But, of course, all these solutions require a logic and rationality that is completely absent from the current debate on the future of England.

There has inevitably been a tendency to dwell on the negatives during this early stage of evidence-gathering, but over the next few months we need to move on to creative logical and practical solutions to these problems. There is no doubt that England is badly managed, and equally no doubt that the solutions are there. The question is whether there is any political will for change. Above all, we need as much help as possible from the wider planning community, both in identifying solutions and in forging a new consensus on the value of spatial planning to our future.

● *Hugh Ellis is Director of Policy at the TCPA. The views expressed are personal.*

### Note

- 1 See N Raynsford: 'Going back to first principles'. *Town & Country Planning*, 2017, Vol. 86, Aug., 283-4, and the Raynsford Review webpage of the TCPA website, at [www.tcpa.org.uk/raynsford-review](http://www.tcpa.org.uk/raynsford-review)