

## off the fence

The loud and well resourced opponents of planning, and particularly the 1947 settlement, are misreading the politics of planning reform, says **David Lock**

# planning's endgame or not?



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**Planning was born of popular demand and is still an electorally valued public activity in principle**

The town and country planning framework of 1947 set by the post-war Labour government of 1945 led by Clement Attlee soon suffered structural damage under ailing Churchill's Conservative government of 1952. The 1947 Act in effect nationalised the right to develop land and instituted a development charge to collect a share of planning gain if development consent was granted (there were exceptions). The money collected was to be used to support a transitional fund to compensate landowners prevented from developing under the new planning system. Landowners and developers had pushed for removal of this form of taxation, and it was abolished in 1954.<sup>1</sup>

Aside from that body blow, however, the many revisions of the 1947 legislation since then have left its founding concepts intact but bloodied and some of its operational practices deformed and dysfunctional. The cadre of chartered town planners in public service expected to make it happen (especially the all-rounders educated since the Schuster education

reforms of 1965) have found it difficult to hold on for the roller-coaster ride.

The declining number still in public service are becoming so invisible that AI and 'PropTech' wizards who know no better seriously think that robots can take over much of the work. Any really interesting projects undertaken by local authorities are likely to be commissioned from consultants because there is not enough of that kind of work to be done to justify maintaining a high-quality in-house capability. In central government the quality of successive policy initiatives suggests that the remaining in-house professional planning capability has been struggling to help shape emerging policy. The majority of members of the Royal Town Planning Institute are now in the private sector.

My point is that the persistent shouty voices who wish to see the 1947 socialistic vision extinguished are wealthy and stealthy (with funded think-tanks and commissioned research reports to underpin their arguments), and are given a steady supply of

bad doings by the limping planning system to fuel their destructive campaign. But despite all that, there is no need to be wholly pessimistic and join Hugh Ellis in preparing for the funeral of the 1947 settlement.<sup>2</sup> Its enemies continue to misread the underlying politics of the saga, of which there are three key features:

- As with many of the revolutionary steps taken by Attlee's government from 1945, town and country planning was born of popular electoral demand. It was not an alien ideological imposition. It had a long lead time in legislation pre-war, and post-war the case for a comprehensive arrangement for managing the contested use of land was brilliantly explained in plain terms, and was widely understood and supported.
- Despite the whingeing and more serious criticisms of the operation of the town and country planning system in its present mashed-up and mangled form, there is still popular electoral support for a planning system rather than none. For every voice still moaning about not being able to use their land as they wish, there are far more who wish to see controls that will take their views into account without forcing them to confront their neighbours face to face. For every volume housebuilder moaning about the breadth and depth of ever-more-complicated planning controls, there are shareholders behind them who do not want a free-for-all as scarcity drives value, and there are staff and advisors who would prefer a well resourced planning department to work with, rather than a slit in a postbox or an email address to try to talk to.

### **'Despite the whingeing and more serious criticisms ... there is still popular electoral support for a planning system rather than none'**

Planning is an electorally valued public activity in principle. There is strong and intimate interest in the future of high streets, and coarse-grained aerial policy-bombing from the Ministry on that subject is not the way forward. There is public interest in contested use of idle land in towns and cities (one urban community's green space is a countryside protectionist's town cramming opportunity) and great interest in the case for the extension of towns and cities and the creation of wholly new ones. Decisions on the routing of

new railway lines and other forms of strategic infrastructure are not safe, politically, to be bundled through by technicians while we are busy with other things. And those who clamoured for the destruction of regional planning systems were soon shocked at the unintended consequences of their political success – the end of strategic growth points has left every local planning authority with the need to meet its own needs within its own boundary unless it can find wriggle room in the maths (as if people needing a home were just an integer). The public support a system that allows the contest over the use of land – right down to street level – to be managed by transparent, fair and accountable processes. Politicians forget that at their peril.

- Elected politicians experience the electoral support for a town and country planning system at first hand. They enjoy the system's discretionary features that allow them to appear powerful, beneficent and go-getting on some issues, and proud defenders of the status quo on others. Planning is not just a science – a machine into which information is fed and a 'right' answer comes out – but an art that requires thoughtful strategic design, consensus-building with sensitivity to the views of others, intelligence, and a sense of inter-generational responsibility. Popular support for a particular minister or a whole government might be shaken over a particular planning decision, and some vested interests may complain, but this should not be mistaken as shaking popular support for a planning system. Quite the reverse; it fuels the case for a better system, not for doing without.

The potpourri Planning White Paper of 2020, *Planning for the Future*, was described in the September/October edition of this column<sup>3</sup> as being politically misjudged, and this had been foreseen by others.<sup>4</sup> Since publication, the rate of political back-tracking on key features has increased.

On 10 June 2021 the House of Commons Housing, Communities and Local Government Committee published its highly critical 135-page report on the White Paper, entitled *The Future of the Planning System in England*,<sup>5</sup> which could not just be brushed aside. On 21 June 21 an Opposition motion to scrap the proposals to take away the right of people to object to a specific planning application was approved by Parliament.<sup>6</sup> By 10 July Secretary of State Robert Jenrick felt obliged to contradict his own hyperbolic introduction to the White Paper by saying that it was no longer to be 'radical reform unlike anything we have seen since the Second

World War' (who wrote this stuff for him?). Perhaps a *draft* Planning Bill is the next step, he says, to make sure that MPs are on board.<sup>7</sup>

Just as well – there are backbenchers from all parties who do not buy the White Paper's obviously unworkable prescriptions, in particular the two-year time-limited Local Plan-making that will then automatically confer planning consent in principle in zones in those plans. Grafted-on ideas from the Building Better, Building Beautiful Commission, such as the requirement for design codes (they are already required for large schemes, and the public knows that the fault is that they are not *applied*), have been slipped instead into the July revisions of the National Planning Policy Framework (NPPF), over which Parliament has no say.<sup>8</sup> The Office of Place (you couldn't make it up – Cromwell would have enjoyed the idea) is already appointed to make sure we all do nice things.

But do not drop your guard. Government and its agencies, and local governments, have all discovered ways of filling the strategic planning void created by the Cameron/Clegg coalition. A wide variety of 30- and even 50-year 'spatial strategies' have been and are being prepared outside the statutory planning system, ducking even its weakened rules on public consultation, independent examination in dialogue with interest groups, and the niceties of true transparency and accountability.

While we have been struggling with COVID-19 lockdowns and fretting over our jobs and our schooling and our next food delivery, and marvelling at the astonishing kindnesses of neighbours, there has been a leap forward in varieties of under-the-radar planning activity. Organisations have enjoyed yomping around free from official accountability and public gaze, and cannot be left to believe that what they have done is safely nailed down, because it isn't. The electorate cannot be jumped on strategic matters like this. So watch the websites, and be alert.<sup>9</sup>

Back to the substantive point about the death of the 1947 Town and Country Planning Act. I do not think that has happened yet. Its vital organ is the nationalisation of the right to develop land: when that is gone, the 1947 political settlement will indeed be dead. I see no Cabinet-level commitment to de-nationalisation yet, as much as their think-tankery might urge it. Government would lose levers of power over the use of land which they enjoy, and such a move would have most serious electoral consequences for them. For that reason, we grit our teeth and tolerate the present anarchy of sleights of hand through social media and under-the-radar activity, the clumsy contradictions and ignorant

assertions, and the obvious attempts to bewilder by showering us randomly with stuff.

What is going on may be just a weird consequence of our surreal times, rather than a conspiracy to murder the planning system altogether. A peaceful path to real reform must be sought, sooner rather than later.

● **David Lock CBE** is Strategic Planning Adviser at David Lock Associates, and a Vice-President and former Chair of the Town and Country Planning Association. The views expressed are personal.

### Notes

- 1 The policy had been devised by the Expert Committee on Compensation and Betterment, set up by the Minister of Works and Buildings in 1941 under the chairmanship of Mr Justice Uthwatt and reporting in 1942 – see D Bentley: *Land of Make-Believe: Compensating Landowners for What Might Have Been*. Civitas, Oct. 2018. [www.civitas.org.uk/content/files/landofmakebelieve.pdf](http://www.civitas.org.uk/content/files/landofmakebelieve.pdf)
- 2 H Ellis: 'The spirit of '47'. *Town & Country Planning*, 2021, Vol. 90, May/June, 155-56
- 3 D Lock: 'Unnecessary trouble'. *Town & Country Planning*, 2020, Vol. 89, Sept./Oct., 292-96
- 4 See *The Wrong Answers to the Wrong Questions: Countering the Misconceptions Driving the Government's Planning Reform Agenda*. Report by an Independent Group of Planning Academics. TCPA, Aug. 2020. [www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions](http://www.tcpa.org.uk/the-wrong-answers-to-the-wrong-questions)
- 5 *The Future of the Planning System in England*. HC38. Housing, Communities and Local Government Committee. House of Commons, Jun. 2021. <https://committees.parliament.uk/publications/6180/documents/68915/default/>
- 6 G McEwan: 'Housing minister promises 'holistic review of council planning resources' during Commons debate'. *Planning*, 22 Jun. 2021. [www.planningresource.co.uk/article/1720064/housing-minister-promises-holistic-review-council-planning-resources-during-commons-debate](http://www.planningresource.co.uk/article/1720064/housing-minister-promises-holistic-review-council-planning-resources-during-commons-debate)
- 7 E Kahn: 'Jenrick considering draft planning bill to allow for 'pre-legislative scrutiny''. *Planning*, 20 Jul. 2021. [www.planningresource.co.uk/article/1722637/jenrick-considering-draft-planning-bill-allow-pre-legislative-scrutiny](http://www.planningresource.co.uk/article/1722637/jenrick-considering-draft-planning-bill-allow-pre-legislative-scrutiny)
- 8 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, updated Jul. 2021. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 9 There is no statutory process for regional planning, so it's 'do as you please' at that level. To illustrate the need to be alert, the summer holiday season for most people started around 26 July. For the convenience of government, on 20 July a 12-week consultation period on the hugely important and exciting Oxford-Cambridge Arc started. Digitally, of course, as if no-one is excluded from that world – see [www.gov.uk/government/news/digital-consultation-launched-to-shape-the-future-of-the-oxcam-arc](http://www.gov.uk/government/news/digital-consultation-launched-to-shape-the-future-of-the-oxcam-arc) We know this technique – you stay at home writing your response to my leading questions and I'll look at them when I'm back from my lakeside rental in Cumbria

In 'The spirit of '47' in the previous issue of *Town & Country Planning*, TCPA Policy Director Hugh Ellis set out why he sees in the government's proposed 'radical reform unlike anything we have seen since the Second World War' the end of 1947 planning settlement in England. The following short pieces offer responses to that article and to proposed further change to the planning system

## why the 1947 act still matters

**One of the great achievements of the 1947 Act was to recognise the inherent uncertainty in planning for urban futures and to recognise that the criteria for decision-making on those futures are rarely simple and always need to be debated – something that the White Paper proposals fail to do, says Philip Booth**

The government's current proposals for planning reform demonstrate what can only be described as a wilful disregard of the strengths of the 1947 planning system. The wilfulness is twofold: the reforms fail to recognise why the Town and Country Planning Act came into being – after years of deliberation – in the way that it did, and they fail to acknowledge the strengths of the system in operation.

Town planning has often been envisaged as a process of laying out cities from scratch according to a preconceived plan that would take into account every eventuality and remain unchanged after the initial creation. Although there is indeed a history of the creation of cities in this way, the idea that cities could attain static perfection was belied at every turn by the restless process of growth and change that cities have always undergone. A quite different conception of town planning as urban regulation to mediate and control change has therefore long existed alongside the utopian vision of the perfect city.

Towards the end of the 19th century, the leader in the field of town planning was Germany, newly unified and promoting social welfare on several fronts in a way that was highly influential. In planning, there

had been for some time a search for rules that would guide development, with an understanding that different areas would require different rules. From this arose the concept of zoning: a zone would contain its own particular mix of rules that would apply when new development took place. In such a system the plan was not so much an end-state document but a guide to a process.

This vision of regulatory planning as rule-making was, of course, derived from the constitutional framework of Germany (and indeed much of continental Europe), which placed a premium on rules to prevent abusive behaviours by both citizens and their governments. It sought to eliminate arbitrary decision-making and maintain the integrity of the state as a legal construct. And the plan itself defined the rights to development that private property owners enjoyed. Zoning did recognise planning as a process rather than an idealised outcome, but it nevertheless carried its own rigidities. Zoning and the rights that zoning conferred were hard to alter once approved.

When town planning was introduced to the UK in the 1909 Housing, Town Planning, &c. Act it drew on the German model for its inspiration. But it is worth remembering that the 1909 Act was primarily a *housing* measure, the culmination of the growing disquiet at the housing conditions of the Industrial Revolution. The novelty of the 1909 Act was to recognise that good housing had to be about more than just comfort conditions in the dwelling itself. Town planning would be a way of securing the quality of the residential environment as a whole. To achieve that end, the Act set out a permissive power to create planning schemes, which would take a rather half-hearted approach to zoning but were zoning documents nonetheless.<sup>1</sup>

Right from the start, this system was subject to criticism. Preparing the town planning schemes was not a swift process, and the result was that a measure that was designed to promote new development actually created an obstacle to realisation of satisfactory new housing as developers waited for plans to be completed. As importantly, local authorities repeatedly argued for greater flexibility in planning, finding that zones and their rules could impede appropriate development when conditions changed. Modifications to the law between 1909 and 1939 tried to address the problem, but the principle remained the same: the plan would be the controlling element and set out fixed limits for what was, and

was not, possible for new development. Where there was no plan, there was also no control over what took place, an increasingly unsatisfactory state of affairs.

The resolution to these problems came with the thinking conducted by government during the Second World War. In a remarkable paper by a civil servant who seems only to secure a footnote in the histories, it was proposed that a reformed planning system should institute control of development wherever it took place, regardless of whether a plan had been prepared or not. This would ensure that development where needed did take place but would do so with proper oversight by local authorities. On the face of it, this was no more than an incremental change to powers that already existed. In fact, it was radical: its effect was to nationalise rights to future development and thereby limit the absolute right to property. This has been the foundation of town planning in the UK ever since, and it is this fundamental concept that planning reform in 2021 is seeking to abolish.<sup>2</sup>

The 1947 Act was, therefore, unique in taking as its starting point, not a system of plans, but an abstract concept, that of *development*, which in the classic formulation of English common law the Act then defined (and the definition in the Act itself then further articulated through the accumulation of judgments in the courts). The Act required that all development so defined was subject to prior approval by the state, in most cases the local planning authority.

Finally, the decisions that local authorities took required reference to another abstraction, that of the *material consideration*. Much legal ink has been spilt over the years as to what might or might not be a *consideration* in determining applications for development, and what or what was not *material*. The legal arguments need not concern us here. The fundamental point, however, is that the Act accorded great discretion to decision-makers to determine proposals on the basis of conditions as they obtained at the point of decision-making, according to criteria that they themselves had set. It was a system that responded to the dynamic nature of urban growth and change but also ensured that discretionary behaviour was recognised and made accountable.

The system thus created showed a remarkable robustness over a period that was witness to enormous changes. But it would be wrong, too, to suppose that the 1947 Act was without problems. It did, for example, partially divorce the process of plan-making from the process of what became known as development control. If plans were only one material consideration among many, then the role of plans was called into question, and the question proved difficult to resolve. And if nationalising future development rights was a genuinely radical incursion into the absolute right to property, much was done to ensure that private developers had means of redress. Finally, the system rested on a belief in the general trustworthiness of local authorities in promoting the public good, but it did not offer the

public at large the possibility of challenge if they opposed local authorities' intentions in granting, rather than refusing, planning permission.

There is much to be said about the weaknesses of the 1947 Act, of course. But the weaknesses do not obscure the fact that it was a remarkable achievement. Its great strengths were to acknowledge the inherent problem of uncertainty in planning for urban futures and to recognise that the criteria for decision-making on those futures would always need to be debated. The beguiling appeal of apparent simplicity in the government's proposals ignores the fact that planning decisions are rarely simple and are frequently contested. What is needed is a system that acknowledges the fact; and that the White Paper signally fails to do.

● **Philip Booth** was formerly Reader in Town & Regional Planning at the University of Sheffield. The views expressed are personal.

### Notes

- 1 P Booth and M Huxley: '1909 and all that: reflections on the Housing, Town Planning, etc. Act 1909'. *Planning Perspective*, 2012, Vol. 27 (2), pp. 267-83
- 2 P Booth: *Planning by Consent: The Origins and Nature of British Development Control*. Routledge, 2003

# governors of the land development process

Abolition of the 1947 Act is the next iteration in the process of land value extraction for property investors, says **Bob Colenutt**

Hugh Ellis is dead right that the Tory government is obsessed with abolishing the 1947 Act. The Act was central to the post-war social and political settlement which Conservative ideologues hate. Abolition of the Act is a big ideological statement, but more importantly it signals that the property market is now the governing body of the land development process. Although the market in land and property

has never supported a planning system that limits developers' land and property investments, it came to terms with planning in the post-war period because the property market was in disarray and the state was needed to step in and restore it.

Seventy years on, the power of the property market operates at an entirely different level. The property lobby (finance, land ownership, developers, consultants) have accumulated immense influence, economically and politically. As the foundations of the 1947 Act have been steadily eroded, the planning system is no longer the servant of the people but the servant of the property lobby. Within that nexus of financial power, government and the Conservative Party are fully integrated. In this context, the 1947 Act is a residue of another age.

But things are not quite that simple. The property lobby has achieved remarkable power over development and land, but it still needs to make profits from land development. A free market in land and property will not achieve that. There are four reasons for this:

- Some regulation of land development is needed to create value uplift from the granting of development rights. Without this uplift, the speculative profits of developers and investors would cease to exist.
- A completely free market without monopoly and cartels would significantly reduce the profit-making potential of the landowner/developer business model.
- The development market cannot function without significant state subsidy in infrastructure and mortgage subsidy schemes.
- Finally, there is a need for some level of democratic legitimacy – but not too much.

Thus, the state is involved in planning and development – but strictly on the terms of the market, not on the terms of communities, businesses, or the environment. The property lobby requires a planning system on its own terms; and it has got it.

The democratic factors (elected politicians, local government, communities) which underlay the 1947 Act have been largely removed but what remains is fiercely contested. Public engagement in planning is a battleground between the property lobby and communities. Even though it is largely tokenistic and ineffectual, public engagement (in particular the right to contest individual planning applications) imposes transaction costs on developers and landowners and thus, from their point of view, must be reduced further. The abolition of the 1947 Act is the next iteration in the relentless process of land value extraction for landowners, investors, and developers. The people and the environment barely come into the equation.

● **Bob Colenutt** is an Associate Lecturer at Oxford Brookes University and author of *The Property Lobby: The Hidden Reality Behind the Housing Crisis* (Policy Press, 2020). The views expressed are personal.

# going back or going forward?

**In the face of the suppression of citizens' capacity to innovate, the challenge we face is to support and harness the power of the crowd to help reclaim some of the gains of the 1947 settlement, says David Webb**

There are a couple of difficulties with viewing the government's forthcoming Planning Bill as the end of an 84-year-old social and economic settlement. One is that we know so little about the detail of what is to come that we might yet end up with another fudge that just extends permitted development and zoning powers. Another is that planning's death is not a new metaphor: planning has already 'died' quite a few times now, having been undermined by the privatisation of public development, displaced by central government subsidies and quangos, and generally relegated to end-of-pipe box-ticking. But the lens of a new beginning certainly finds favour with those Ministers who argue that the planning system needs to be 'torn down and rebuilt'. It is helpful for commentators too, as it underlines the scale of the changes that we may yet see and in doing so can stimulate us to think what a positive reframing might look like.

Any credible response ought to begin by finding the confidence to design our own solutions rather than trying to import them from the United States – and by jettisoning the tired dogma about the virtue of unbridled markets. Certainly we can look to the best of our post-war planning settlement for inspiration, but we need to recognise the limitations of a nationalist settlement devised in the midst of war: one that was imagined for a deferential society countered by the organisation of Labour and class interests.

The period since the 2007 economic crisis has provided fertile ground for thinkers from across the political spectrum, and across parties, to consider how a renewed social settlement might be built: one capable of challenging the predatory elements of global capitalism and creating more real forms of value. From the localism of Red Tory Philip Blond and Blue Labour peer Maurice Glasman, to the economic democracy of Joe Guinan and the Democracy Collaborative, people have been thinking and doing

alternative social settlements in the absence of central governments being able to depart cogently from the orthodoxy of a hollowed-out sense of national togetherness.

Their experiments, along with the broader flailing for political alternatives that has thrown up Trump and Brexit, underline the failure of nation states to achieve a distribution of economic activity that works for all. Places are at the centre of these responses, as it is through these that common problems can be made clearer, relationships formed, and action taken.

How does all this relate to our planning system? The answer is badly. The 40-year assault on the principle of democratically led local planning has meant constant innovation with structures designed to supplant citizen discussion about planning and political issues in their fullest sense. National planning policy has acted as a thought-police in local government, robbing planners of their intent or ability to set up theoretically informed discussions on the political economies of places. The capacity for citizens to innovate with how we might 'think globally and act locally', in accordance with the kind of collective settlement we want to seek, has been crushed.

This is mostly a consequence of neoliberalism, of course. But the post-2007 communitarians have also criticised the utilitarianism of the post-war settlement for preventing citizens from actively contributing to collective solutions. Perhaps they have a point. If so, then the challenge is how to harness the power of the crowd to help reclaim some of the gains of the 1947 settlement.

### **'We need to embark on our post-47 future by anticipating and mobilising the resistance to the predictable outcomes which will occur if full-powered reform does go ahead'**

So how do we get there? Well, we start by knowing the situation at hand. There is irony in Ministers' enthusiasm for tearing down the planning system and starting again, in that it contrasts so sharply with their ability to set out what should come after in any kind of plausible and publicly acceptable way. This is because they are not driven by analysis or public goals, but rather by a force that did not exist in 1947: a large private development sector, bolstered by subsidies and sophisticated lobbying networks, connected by way of a chumocracy which, ironically, is justified with resort to the market. As Hugh Ellis said in his provocation piece in the May/June issue of *Town & Country Planning*, the proposed reforms 'will not work'. The institution of an even more husky

framework for regulating a still-insufficient private sector does not solve the country's problems.

We therefore need to embark on our post-47 future by anticipating and mobilising the resistance to the predictable outcomes which will occur if full-powered reform does go ahead. Using foresight exercises, we can map those areas that will feel the brunt of the reforms first. We can appeal to local leaders and movements with the capacity to think beyond the status quo and challenge those who cannot. We must contrast the collectivity in the response to COVID-19 with the abandonment of people and places that deregulation entails. We can ensure a network and an alternative lying in wait for the moment when voters feel the consequences of the Tories' naïve default to centrally imposed deregulation in their streets, neighbourhoods, and town halls.

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## **a history of ambivalence – public participation in six quotes**

### **Historical ambivalence over public involvement in planning has come to a head in the Planning White Paper, says Kelvin MacDonald**

In one of the debates on the Town and Country Planning Bill, on 29 January 1947, the then Minister for Town and Country Planning, Lewis Silkin, told the House of Commons that:

*'Too often in the past the objections of a noisy minority have been allowed to drown the voices of other people vitally affected. [...] these too must have their say, and when they have had it, the provisional plan may need a good deal of alteration, but it will be all the better for that since it will*

*reflect actual needs, democratically expressed. In the past, plans have been too much the plans of officials and not the plans of individuals, but I hope we are going to stop that.*<sup>1</sup>

Less than two months earlier that same Mr Silkin had travelled to Stevenage to try to explain why a New Town was being imposed on this rural part of Hertfordshire. According to a contemporary account in *TIME* magazine in the US:

*'That night, when Mr. Silkin rose to speak at the town hall, he was greeted with yells of 'Gestapo!' 'Hark, the dictator!' 'We want our birthright!' Red-faced Mr. Silkin shouted back: 'Really, you are the most ungenerous people.'*<sup>2</sup>

Twenty-one years on, in 1968, the government commissioned an MP, Arthur Skeffington, to hold an inquiry into participation in planning. His report found that:

*'Planning is a prime example of the need for this participation [...] It matters to us all that we should know that we can influence the shape of our community so that the towns and villages in which we live, work, learn and relax may reflect our best aspirations.'*<sup>3</sup>

One of the members of the Skeffington Committee was Wilfred (Wilf) Burns. He was the City Planning Officer in Newcastle and subsequently was the government's Chief Planner and an RTPI President. He had written just five years before he joined the Committee that:

*'In a huge city, it is a fairly common observation that the dwellers in a slum area are almost a separate race of people with different values, aspirations and ways of being. [...] one might argue that is a good thing when we are dealing with people who have no initiative or civic pride. The task, surely, is to break up such groupings [...].'*<sup>4</sup>

This dramatic ambivalence about whether we are really committed to public involvement in planning reached a predictable height in last summer's Planning White Paper. In this case, we do not even have to find two related quotes from different times – the simultaneous support for, and attack on, participation are handily found in the same document.<sup>5</sup> It heralds: *'a whole new planning system for England [... one that] gives you a greater say over what gets built in your community'*

... while going on to reduce the opportunities for people to influence Local Plans, failing to mention local councillors at all and then promising to:

*'streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes.'*

We have come full circle from Silkin in 1947 talking about noisy minorities, and I fear that, despite Skeffington, despite advocacy planning in the US, despite some individual true exemplars of where this can work, the debate has not moved on and rhetoric about, and the attacks on, public involvement have remained with the same intrinsic ambivalence.

## **'We have come full circle from Silkin in 1947 talking about noisy minorities ... and the rhetoric about, attacks on, public involvement have remained with the same intrinsic ambivalence'**

One key aspect that we have never truly dealt with as politicians or as planners is the belief that communities and individuals should not only have their say but should be heard, and that there should be a commitment, in the words of Skeffington, to truly influence the shape of our communities.

In 2012, the government consulted on aspects of the future of the NHS in a report wonderfully subtitled *No Decision about Me, without Me*.<sup>6</sup> Would not that be a challenging starting point for a debate and actions showing what democracy in planning should really mean 74 years after the 1947 Act was passed? But, then, maybe I am just a not-so-noisy minority?

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### Notes

- 1 'Town and Country Planning Bill'. HC Deb 29 Jan. 1947. *Hansard*, Vol. 432, col. 963. <https://api.parliament.uk/historic-hansard/commons/1947/jan/29/town-and-country-planning-bill>
- 2 *TIME*, 6 Dec. 1946 – see also the British Pathé news film *Mr. Silkin Goes To Stevenage*, at [www.britishpathe.com/video/mr-silkin-goes-to-stevenage/query/Silkin](http://www.britishpathe.com/video/mr-silkin-goes-to-stevenage/query/Silkin)
- 3 *People and Planning. Report of the Committee on Public Participation in Planning*. Skeffington Committee Report. HMSO, 1969
- 4 W Burns: *New Towns for Old: The Technique of Urban Renewal*. Leonard Hill, 1963
- 5 *Planning for the Future*. White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020. [www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future)
- 6 *Liberating the NHS: No Decision about Me, without Me*. Department of Health, May 2012. [https://webarchive.nationalarchives.gov.uk/ukgwa/20130104181152/http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH\\_134221](https://webarchive.nationalarchives.gov.uk/ukgwa/20130104181152/http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_134221)



# eroding the concept of the public good

The government needs to acknowledge the crucial role that the planning system has to play in building strong, healthy and happy communities, says **Ruth Cadbury MP**

My appointment in May as Shadow Planning Minister in Steve Reed's Communities and Local Government team was a welcome return to parts of my previous life. My first job after university was with the Covent Garden Community Association, before going on to work for Planning Aid for London, supporting community engagement in the planning system, and then as a planner for an Outer London council. Meanwhile, as a councillor I chaired the London Borough of Hounslow's Planning Committee, and was Chair of Housing, and later Cabinet Lead for Regeneration.

Over those 35 years I saw at first hand the strengths and weaknesses of England's planning system and the tensions it was created to manage; between private and public interests, between national policy and community aspirations, between space for jobs and space for homes, and between the environment and the economy. The 1947 Town and Country Planning Act created the framework to referee between the overarching powers of private property and public good. There has been an ebb and flow between these forces, dependent on economic and political cycles, but both have been ever present.

However, the last decade has really seen the beginning of the end of the contract enshrined in the 1947 Act. Little by little, and often away from the lens of public debate, the heart of our planning system is being ripped out by a government focused on delivering merely housing numbers to volume housebuilders and developers (who have donated almost £18 million to the Conservative Party since Boris Johnson became leader).

The government claims it is doing so to build more housing, yet there are already planning permissions for over a million unbuilt homes. To truly value the legacy and achievements of the 1947 Act we need

to remember what went before – an endless stream of poor-quality and cramped housing in inner cities, cheek by jowl with polluting industry, or low-density suburban housing galloping across the countryside, and all with little provision for community infrastructure.

The central heart of the 1947 Act was to ensure that new homes went hand in hand with the wider public good. Yet the continued chipping away at our planning system over the last decade is eroding the very concept of public good.

First, we have seen the extension of permitted development rights (PDR), which were originally enshrined in legislation to remove the bureaucracy of determining applications for small-scale commonplace house extensions. For any specific local situation, Article 4 Directions remained available to the planning authority, and community consultation and council control could be reinstated if needed.

But extensions of PDR, again and again since 2013, have delivered slum housing in old office blocks and have undermined the 'town centre first' principle for new supermarkets, and the latest changes threaten the very survival of our high streets as commercial centres that the government is allegedly seeking to protect. Restricting the use of Article 4 Directions is yet another attack on our already battered planning system and on local councils, now increasingly becoming bystanders in their own communities.

The ongoing march of the 'developers charter' will proceed further when the Planning Reform Bill is revealed this autumn. No doubt continuing the thread of the Planning White Paper, as confirmed in June's Queen's Speech, the government's ambition is to rip out the powers and influence on built environment decisions of local authority professional planners, elected councillors, residents, civic societies, and specialist NGOs. The proposed 'zoning' of areas appears to mean that local residents and even councillors will lose the right to object to inappropriate developments, and that democratically elected councillors will lose the right to modify and improve or refuse them.

The Labour front bench is working to protect the rights of residents to have a say over their own neighbourhood and their own local green space, and to ensure that councils are the main arbiter for local place-making. In June, the House of Commons voted to ask the government to guarantee the right of residents to a say on individual planning applications – a voice, not a veto. Although almost all Conservative MPs abstained on this motion, councillors and MPs of all political parties share our concerns, and many councils of all political stripes are voting on the same motion that went through Parliament.

The planning system is in place to tackle the problems, not just of the day, but of the future. In the 1940s problems included the ill-health and poverty that plagued so many industrial areas in Britain. In

the 2020s we face the climate crisis, the need to protect and enhance our natural environment, changes to working habits, and the need to support active and sustainable travel. Overhanging all this is the need to provide adequate numbers of good-quality affordable homes (in which the government appears to show little real interest), especially for those who will never be able to get on the property ladder.

Of course, young people should have the chance to get on the property ladder – but in decent homes, not in rabbit hutches. They deserve better than new developments with no community services or in one case a community with no proper roads or pavements. Furthermore, this government's planning policies do nothing to address the need for new council and other social rent housing, nor do they address the North-South imbalance of housing supply.

As we face the future the government needs to acknowledge the crucial role that our planning system plays in tackling these challenges and in building strong, healthy and happy communities across the country. Sadly, with its current reforms it seems that the government is pushing us further away from building the communities that we need.

● **Ruth Cadbury**, MP for Brentford and Isleworth, is Shadow Minister for Planning. *The views expressed are personal.*

# 1947 postscript, or rebirth?

## A brief response by **Hugh Ellis**

The contributions in this issue on the future of the 1947 planning settlement – above and in David Lock's 'Off the Fence' column – shed an impressive light on what is at stake in the government's reform of the English planning system. From the practical benefits of a discretionary system to the long-running debate about public participation, to the decisive shift of power back to property interests, this commentary is so much more insightful than the recent Planning White Paper. In response to these insights, I would make only three brief points.

David Lock is right to imply that, whatever the views of the deregulators in government, public opinion will not accept a planning system in which people's voices are completely ignored. It seems much clearer now as we pass the first anniversary of the publication of the Planning White Paper that much of its contents will be modified in an attempt to see

off a rebellion inside the Conservative Party. It is the realpolitik of the Chesham and Amersham by-election and not the contents of the White Paper which will increasingly drive the detail of planning reform.

What will that mean? I suspect that the basic architecture of the Local Plan will remain intact, and a great deal of communication effort will be placed on selling more minor changes as having radical impacts on housing delivery.

Secondly, we should not mistake any retreat from the ideological purity of the Planning White Paper as a victory for the enduring principles of the 1947 system. The radical expansion of permitted development rights in the current planning system is a very effective knife in the back of democratic and positive planning. These changes have nothing to do with future planning reform in the forthcoming Planning Bill. The changes that occurred on 1 August will have the most profound impact on urban areas of all kinds, rendering Local Plans effectively pointless. The result for democracy, for vibrant high streets, for effective planning, for inclusion and climate change will be dire. In these places, the 1947 planning settlement is certainly dead.

Finally, this leaves us with a question about what kind of planning system England will have in another year's time. Dominated by permitted development; incredibly complex, with unconsolidated layers of planning law; non-strategic; conflicted between beauty in design and housing delivery; and above all thoroughly unfit both in policy and structure to deal with the climate crisis – in short, it will need urgent and wholesale reform. I, like many of you, need more planning reform like a hole in the head, but someone has to clear up the chaotic mess of English planning.

And the genie is now out of the bottle. People are mobilising around new demands for stronger community participation and around the new focus in planning on health and wellbeing. Rather than simply feeling defensive about an old system, there is a sense that the Planning Bill offers an opportunity for new community rights and for a new purpose for the system, focused on health and wellbeing. I have already lost count of the number of prospective amendments on climate change which will be promoted in the autumn.

And so, I think I have changed my mind on the end of the 1947 planning settlement. Yes, the position is very bleak, but those principles of fairness and democracy which underpinned the system – the spirit, if you will – of 1947 are enduring and ultimately undefeated. We now have to turn our energy to the reconstruction of a system vital to our national survival using all the wisdom reflected in this journal – wisdom so needlessly and sadly ignored in the government's Planning White Paper.

1947 is dead. Long live democratic planning!

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