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Introduction

Two great monuments remain to the Post-war Labour government. They are the National Health Service and the Planning System.

The affection in which we all hold the NHS is well known and it is impossible to pick up a newspaper any day without reading of its significance, of some inefficiency or malfunction which besets it, and of further efforts to improve its service and effectiveness.

The planning system does not usually grab the headlines in the same way and I cannot speak for public affection for it. But it is widely regarded as part of the furniture—as, I note, many other enduring institutions were until they were knocked aside in the privatisation and deregulatory reforms of the 80s and 90s. Like all furniture, however, it ages and needs repairs and makeovers from time to time. And, if the mood is right, it might even be suggested that it has served its time and is fit only for the tip.

I don't actually suggest anything so unpleasant, but there are some hard issues to think about:

- England, it is asserted, is now a post-industrial society fighting hard to earn a living in a rapidly changing world economy.
- Our way of life, pretty prosperous, with more and smaller households, largely car based, makes huge demands on land for housing, retail, leisure and travel generally. Many areas (not only in the South East) are “full” (or alleged to be so), others are in high need of regeneration.
- We need to put a new emphasis on urban renewal if our future society is to be inclusive and sustainable.
- As consumers, our demand for user-friendly service where, when and how we need it is undergoing a sea change—increasingly what we want is fast service, 24 hours a day, seven days a week, by modern technology as well as by more traditional means, in demystified ways, in language we understand.
- As citizens, we more and more question and want to own the decisions taken in our name.

Each of these elements represents a significant challenge for our old friend, the planning system, to meet. All of them together may be simply too much.

It is not surprising when the evidence is so strong that I am not alone in wondering about this. To name but a few, the RTPI, the TCPA, the Local Government Association and Lord Rodgers's Urban Task Force as well as various parts of government either are or very recently have been looking at all or some of the issues. Let's join them.

Who am I to take this on?

What are my qualifications for taking up your time? Until last June, I was a career administrative civil servant—not a planning professional, a surveyor or a lawyer—for over 30 years in the Department of the Environment, Transport and the Regions and its predecessors. During that time I had a number of jobs in town and country planning—as it happens all of them much enjoyed: secretary to the Dobry Review of Development Control in 1973–74, the Under Secretary in charge of the Planning and

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Development Control Directorate in 1988–90, and the Director General in charge of planning (among other things) for two spells in the nineties, including in my last job from 1997–2000. Amongst my other jobs I had a good deal to do with regeneration and also with transport, both strongly connected with planning and ultimately dependant to a large degree on its success for their own.

As I say, all of this was as a non-professional—though working closely with professionals—working to maintain and develop the planning system and planning policy through policy initiatives, through legislation (primary and secondary), through circulars, Planning Policy Guidance notes (PPGs) and other guidance, and through the power of the Secretary of State to make decisions on cases. All directed to the end of delivering a process, and through the process the physical development of England, which met the needs of Ministers and society.

Plus ça change

The perceived needs and how best to meet them through planning have been pretty different at different times. At risk of creating a caricature: Back in the seventies regional studies, slum clearance, overspill, and new towns were to the fore followed later in the decade by growing concern with inner cities. Interventionist planning, as with new towns, the Community Land Act and compulsory purchase was widely practised. In the eighties this tide flowed out (apart from Urban Development Corporations). The watchwords were enabling the market and getting out of the way, though this was always moderated by the recognition that the same businessmen who wanted the system to get out of the way for their business developments or to provide new roads for their business needs, also continued to want, for the most part, a system that would protect the view from their homes and preserve the particular character of their locality. In the nineties, again, there was a shift—both caught and shaped by John Gummer when he was Secretary of State—to greater concern with design (the look of things) and with sustainability.

Quite a lot of what I have to say will focus—for good reason—on shortcomings with and tensions within our planning arrangements. So it is worth noting here the considerable resilience and adaptability of the system. Essentially the same system has been able to deliver very different policies and cope with very different objectives—from those of Peter Shore and John Prescott to those of Nicholas Ridley.

Plus c'est la meme chose

Now, while some things—notably the thrust of policies as I have just illustrated—have been very different at different times, other themes have kept on turning up.

Let me start by drawing attention to three central themes all concerned, in the language of the millennium, with outcomes: the environment, economic growth and regeneration.

First, the environment: both local habitats and landscapes (natural and built) and global issues such as global warming and acid rain. The former has its own substructure within the planning system—conservation areas, listed buildings, SSSIs, National Parks, other landscape designations and so on—while the latter mostly works through parallel systems of pollution control. Secondly, economic competitiveness and prosperity: the need to win inward investment, provide growth sites for the successful, cater for changing technologies, and above all compete successfully in the global economy. The main instrument here has been policy enshrined in PPGs, but note also the B1 use class. Thirdly, regeneration where we have a mix of sub-structures (*e.g.* Urban Development Corporations, English Partnerships, Regional Development Agencies), parallel systems (single regeneration budget,

neighbourhood renewal) and PPG policy. The report of Lord Rodgers's Task Force last year made new proposals too. Concern with each of these themes seems to have a cycle of its own, related to but not identical with the economic cycle. But, to change the metaphor, every time these tides rise and fall they seem to stop further up the beach.

Now obviously outcomes—what the built environment consists of, what the physical environment is like—are what really matter. However, tracing the connection between what actually happens on the ground (literally) and the working of the system is far from easy—there are so many other influences too. So arguments about effectiveness tend to be based quite strongly on anecdote and presupposition. But how the system works: its certainty, effectiveness, user-friendliness, and so on, are key second-order issues. Concern with one or another of these process issues, or often several at once, have been constantly recurring themes. Let me run through a few of them.

The logical place to start is with the national guidance. The usual complaint is that there is far too much of it (though never enough on the particular issue you are trying to deal with), and it is too balanced so that how to interpret it in any particular circumstance is never clear. This is seen by some as a conspiracy to ensure the continued employment of professionals of all kinds. Curious as it may seem, PPGs were actually invented in the 80s in response to more or less these very criticisms. Since 1948 a huge body of guidance had accumulated in departmental circulars and many other kinds of document. The idea of reform was simple. Guidance on process would continue to be given through a smaller, simpler series of circulars; guidance on policy would be given through Planning Policy Guidance notes. There would not be many of these, they would be written from scratch, they would be short, and they would be up-to-date.

The road to hell is paved with good intentions. There are well over 20 PPGs (and a similar number of Mineral Planning Guidance notes)—and this may not be enough as every interest group is determined to secure one on its own interest, many of them are very long, and several of them, despite the prodigious efforts of my former colleagues, are out of date. What is more, revision—and hence the promulgation of important new policy—is an awfully long-winded process through consultation drafts, etc. Is it time for another blank sheet of paper?

Regional planning had a bit of a heyday in my youth. It then fell into complete disfavour but began to be rescued a decade ago and now promises to have a second flowering. There seems to be a real need for a level of spatial planning above the county (structure plan) level. All English regions are now at various stages of finalising Regional Planning Guidance. This has the status of national guidance and there is consequently a rather arcane process of drafts from regional planning bodies, consultation, public examination and report, drafts from the Secretary of State and final adoption. And as we know from live examples the process can be controversial and contested. There are too the contrasting dangers of too much detail—breaching the principle of subsidiarity—and too much repetition of PPG material. Is there enough added value?

So we come to development plans. When I arrived on the scene the Planning Advisory Group (PAG) review of development plans was under way in response to the slowness of this part of the 1947 Act system. Structure plans and light-footed local planning were the answer. They weren't, or at any rate in the 80s they were thought not to be. It was then that we began to recreate the not long-abandoned regional planning but also thought structure plans might be abolished as a counterpart. That was not a popular thought, certainly not in the counties (whose responsibility they were). Within a very short time we had abandoned that idea and moved not only to the plan-led system of section 54A but also to comprehensive geographical coverage by both structure and district-wide local plans. The original issues of a system over-burdened by its own weight are with us again. Despite the fact that it is nearly ten

years since this policy was introduced five per cent of authorities in England still do not have an area wide local plan in place. And far too many of the 200 authorities whose plans reach their original end-date in 2001 have not yet placed proposals for alterations or replacement plans on deposit. An out-of-date plan is hardly better than no plan at all, and we all know too of plans over-burdened with policies and of the volume of objections and scale of the public inquiries that many plans have involved. Is all this sufficiently light-footed and fleet-footed for present needs? On the other side, do these development plans link properly to the emerging plethora of other local plans, and shouldn't they be spatial development plans, as in the new arrangements for London.

The Dobry Review—which I mentioned I was secretary of for a brief and happy period—was conceived as a complement to PAG but for development control which was thought to be sinking under the sheer volume of cases in the early seventies. Despite all our efforts the situation was worse by the late eighties and it isn't brilliant now. The latest figures show that overall only 63 per cent of applications are being processed in eight weeks. Anecdotes about delay and over-detailed examination are still legion in Westminster and Whitehall, particularly those parts where economic prosperity and success in the world economy are the priority, which means everywhere. Of course every such anecdote has its counterpart in one where there has been insufficient time for the community to respond or where environmental or other arguments have been given inadequate weight. So called "major projects" may be few in number but are a particular cause of concern. I think most of us could agree that three or four years for an inquiry, even into a really major case, takes a bit of explaining.

Even if plan-making and the grant of planning permission were near perfect, the credibility and effectiveness of the system depend on effective enforcement. Sir Robert Carnwath reviewed this area some ten years ago and the result was rationalisation and improvement but we all continue to hear of breaches.

This highlights an issue which is at the heart of a lot of the problems, namely that of resourcing, particularly but not only of local authority planning departments. To resource a system at a level where it cannot do its job properly—whether it is real planning, or processing, or policing—is, as you might say, "careless", a false economy, and all those of us concerned are to blame for not successfully putting on the pressure to secure a better level. Much of the problem is about quantity of resources which could be fairly easily addressed if we wanted. There is also an issue about quality of resources and in particular about whether the professional institutions are training and developing practitioners with the right understanding and mix of skills for our present needs. The Urban Task Force report last year drew attention to this. It is a serious challenge for the professions and academic institutions that are involved.

Now, lightness of foot and speed of decision are goods worth having, but many people will tell you that full consideration of issues and extensive public participation are greater goods. I sometimes wonder if they have heard about the best being the enemy of the good.

It is a fascinating fact that from the beginning much of the decision making around planning has been conducted in a quasi-judicial way with very significant involvement of the legal professions. (If you think this isn't odd just make some comparisons with other areas of public decision-making, *e.g.* the process for determining the admission arrangements for schools.) Now I am second to none in my admiration for lawyers but there can be no doubt that there have been consequences in terms of cost and the nature of the process including preoccupation with the process itself. New concepts (or perhaps old concepts newly tried) like mediation are up against it here.

The planning system was also a trail blazer in consultation and public participation. But, of course, many wish to go further than we have yet gone. In particular third party rights of appeal are always hovering in

the background and, some tell us, will—along with the final elimination of the Secretary of State from the decision-making process—be rendered inevitable by the Human Rights Act.

The original planning regime was not only about plans and development control. There was also the Betterment Levy, not only to prevent windfall gains to individuals but to provide a source of income for infrastructure, etc. That didn't last, and nor did the later Community Land Act or Development Land Tax. The result was an imbalance: large development gains for the landowner and a lack of public resource for infrastructure and community development. The consequence—an inevitable consequence I would argue—has been the development of planning gain, a semi-regulated method of returning value to the community. It falls, I believe, into the category of things which work pretty well notwithstanding the lack of transparency which is a source of much criticism. Clearly there are alternatives from auctions for planning permission through to new taxes such as the Greenfield Tax. This is a really big area which is evidently regarded at present as too sensitive to mention, and on which there is certainly no cross-party agreement for change.

There is one final area I want to mention which people fret about from time to time. This is the essentially negative nature of the system. Because development mostly depends on the developer's initiative, the system is much better at preventing the undesirable rather than promoting the desirable. There are a number of reasons for this including resources (mentioned earlier) and lack of confidence. There are also many examples where local authority/developer partnerships have been successful in bringing about positive change. Nonetheless it is argued that powers as well as resources to bring about significant change are inadequate. Compulsory purchase which Robert Carnwath talked about this morning is a case in point.

Improvements must be made

Let me take stock of what I've been saying. We have a system which has endured for over 50 years; it has adapted to different times and different needs in a largely robust and resilient way. But it has a lot of imperfections which are constantly presenting themselves. Notably:

- It is not quick on its feet, but slow and deliberate;
- Its language and processes are complex and often obscure;
- It is not very accessible or inclusive, even though there is a lot of time-consuming consultation;
- It is expensive and legalistic;
- but under resourced, especially in the public sector, both in quantity and quality;
- It has often failed to deliver and is insufficiently proactive.

However, the constant reviews and searches for improvement that I have touched on—which have had some successes but which have largely failed to deliver what was sought—demonstrate how difficult it is to change things. It is possible to argue, quite convincingly, that the system is in a sort of equilibrium which cannot be greatly changed. On this reading to attempt a change will be doomed to failure because it will provoke a reaction which will undermine it. A major reason for this is the very different objectives of different stakeholders in the system—especially developers, local authorities and objectors. Anything which is seen to give an advantage to one will be roundly condemned by another.

Take the tension between timely decisions, public consultation and involvement and proper process. Attempts to speed up decision taking, it is argued, lead to the cutting of corners in substance, in process or both. This leads to greater challenge (which takes more time to resolve) or to bad decisions or to a loss of public confidence which need themselves to be reversed. So better not to waste one's time, it is

concluded; better to live with what we have to avoid the certainty of something worse. Of course, it might be conceded, one can make small improvements—a faster process here, some more inclusive consultation there, an experiment with mediation in another place—but do not let us be overambitious.

Now, my argument is that this won't do. Not only is it defeatist in the face of real issues that demand progress—without labouring the point a system is not working well where a major public inquiry lasts three or four years, or where it can take upwards of ten years to adopt a plan which needs review every five years. But it also fails to notice what has gone before in too many significant areas of public administration. Do you remember what happened to the public utilities, or bus regulation, to name two examples familiar to me? They passed their sell-by date. They inhibited innovation or investment or efficiency and effectiveness. They were swept away. My argument is not about whether there were or are faults with their replacements. It is to point out the danger of postponing change beyond its time. And those may be rather extreme examples but we also see what is happening to court procedures, or in the medical profession, or even in the civil service.

Nor should anyone take comfort from the lack of developed alternatives. It is certainly the case that there is no radical acceptable alternative at present: neither free market based, with or without “economic instruments” or regulators, nor (at the other extreme) the public ownership of land. But, as we know well from other experience, that is not a clinching argument.

Conclusion

So where do we go from here? My answer will be pretty obvious to you by now. We must address the issues of timeliness, service, accessibility, consultation and impact, we must address them now, we must address them together (*i.e.* as a single package) and we must address them successfully. That is to say we must not allow ourselves to be balked, or just to scratch the surface, because of the difficulties involved. A large part of the secret of success is going to be the construction of win-win situations. For example, speeding up the decision making process has to be associated with proper opportunities for third parties to make a considered if speedy contribution. More positive planning means good and timely compensation for those affected (among other things). And so on. As I have argued earlier local authorities will certainly need more resources to play their part well, but so will third parties.

Now those who have been following the action will wonder whether I am advocating anything much more than the Modernising Planning agenda that the government has been pursuing since 1997. The answer is “Yes and No”. I don't think that the agenda itself is hugely different though the one I am advocating is rather broader. But what I am emphasising is the inevitability of failure unless we all recognise the key features which there is little sign have been recognised so far. These are:

- the urgency;
- the necessity for a comprehensive approach;
- the need to be effective (we mustn't just talk about faster plans or simpler guidance, we must have them in place); and
- the need for adequate, even generous, resourcing.

What is critical is the ownership of the whole agenda not just by government but by all those who are involved regularly with the planning system, from whatever point of view. This work is not something for “them” to do so that “we” can criticise it. That, of course, means that the professions represented here have a crucial role to play.

Final thoughts

Large chunks of a working life spent with the planning system have given me a considerable regard for the intentions of those who set it up and for its potential. And indeed for those who work with it daily. But they have also made me very aware of the inadequacies of its performance in our hands, and therefore made me alarmed for its future. Between us we can radically improve things in the now crucial areas of timeliness, service, accessibility, consultation and positive action. But we have left it dangerously late and we must act together.