

March of the trolleys?



JULY SEES THE English Civic Trust and a starry coalition of environmental organisations – Friends of the Earth, CPRE, the RSPB and Transport 2000 *inter alia* – waging a “fortnight of action” against proposals in the planning white paper, *Planning for a sustainable future*. Backed by the Blair government’s secretaries of state for communities, environment, trade and transport, and out for consultation until mid August, this signals what could be the biggest shake-up for town and country planning since the Atlee government created the essentials of the modern planning system sixty years ago.

The fortnight of action followed a *démarche* to ex-communities minister Ruth Kelly in which the coalition, representing a claimed 2.3M people, sought a meeting to lobby government against a perceived “re-balancing of the system in favour of short-term economic development, to the detriment of wider environmental and social goals” and proposals which if enacted would “cut local communities out of planning decisions, make full consideration of environmental issues difficult, and could spell disaster for valuable wildlife habitats, landscapes and long-term sustainability”.

In a pallid echo of William



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It claims to lay the basis for a sustainable future. Its critics say it foreshadows a disastrous reversal of policy. How will the new planning white paper affect Wales?

Jennings-Bryan, the subscribers wrote that “we should not sacrifice the nation’s well-being and environment on the altar of short-term economic gain.”

Should we in Wales share this sense of alarm and start building our own barricades? After all, most planning policy issues have been devolved to an Assembly Government which has plotted its own course in reforming development plans and defining planning policy.

The fact is that the white paper arises out of reviews of energy and transport policy, not just the planning system. It is concerned with planning for major infrastructure development as well as nuts-and-bolts development control. While much of its content seemingly concerns England alone, chapter ten sets out the implications for the devolved administrations in Wales, Scotland and Northern Ireland. There are therefore two directions in which we must look to work

out what the paper really implies for Wales and the Welsh.

The first concerns big projects of “UK-wide” importance – in particular energy-related developments, reservoirs, barrages and the like. Moreover, while decisions on planning for airports are devolved, air transport policy remains with London. So if there are to be changes in how decisions on this sort of project are taken, they will affect us.

The second direction concerns the way in which it is intended to streamline planning and development control. While the white paper claims an intention to strengthen local authorities’ hands in the process of sustainable “place-making”, and to reduce the bureaucracy involved in determining minor applications for planning permission, all may not be as it seems, and it remains to be seen whether Welsh politicians will follow the lead of their London counterparts. A critical

aspect of the proposals could affect the way we plan for shops and town centres. If we are not careful, we may find ourselves facing an uncontrollable march of the trolleys.

Government thinks that the decision-making process for major infrastructure projects takes too long. The white paper points to the fact it took seven years to get a decision through an inquiry on Terminal 5 at Heathrow and two and a half years to decide on the Staythorpe C gas-fired power station. It sees these long drawn-out processes as costly on all sides, blighting individuals and communities and delaying investment and job-creation.

It proposes a new national policy framework set by ministers and parliament to define how national infrastructure needs will be met over the next twenty-five years, and brought under one legal framework that will replace a plethora of consent régimes. This would provide the backdrop for a “stronger” inquiry system, under which decision-making would lie, not with the inspectorate and a secretary of state, but with an independent commission made up of leading experts from key sectors. The part played by the general public would change. “Open-floor” debates would replace the current process where individual and group objectors give evidence and submit themselves to court-room style cross-examination by m’learned friend. But developers would be legally obliged to consult with the public and key third parties – environmental groups and heritage experts.

This scenario is the outcome of two major policy reviews. Kate Barker’s review of land-use planning policy, commissioned in 2005 and delivered last Christmas, sits alongside a review of transport infrastructure provision by Sir Rod

Eddington. In particular, Barker was chief economic adviser to the CBI until 2001, when she was appointed to the Bank of England’s monetary policy committee. Prior to her review of planning policy she conducted a controversial review of housing land supply, whose conclusions are also echoed in this white paper – a concern that land is not becoming available in sufficient quantity to meet housing need, a short-fall that is impacting on house prices.

Barker’s housing land calculations have been questioned by groups such as the Council for the Protection of Rural England, which argues that her approach was driven not by social need but market forces, by land prices rather than demographics. Her de-regulatory approach to the planning system evoked yet more concern – with the Royal Town Planning Institute as much as amongst the usual suspects. Her report was commissioned by the Treasury rather than the Department for Communities. It was seen as putting business needs before the mediatory role of the planning system. Objectively, it *does* prioritise economic growth over sustainability, and the need to balance economic, social and environmental goals. It has been criticised in depth by the Civic Trust, which takes it to task for its assumptions, its methodology, its conclusions and its potential consequences. There is no real evidence that the planning system is a constraint to productivity or job creation; no proof that, to quote Nicholas Ridley, it keeps jobs in filing cabinets.

Barker aimed to fast-track not just major infrastructure decisions but to liberalise other areas of planning in a way that – her critics claimed – would see a return to an uncontrollable spread of retail and business parks like that we experienced in the 1980s. At the same time the white proposals for a

national planning commission that would produce speedy decisions on major projects could be seen as a threat to democratic accountability, denying proper public engagement, and undermining the consideration of environmental impacts.

If the white paper accurately foreshadows impending legislation then Wales will be affected by the plan to create an independent planning commission. Planning for infrastructure is only partly devolved, and there are different levels of autonomy in Wales, Scotland and Northern Ireland. Energy policy is especially complex, and there will need to be negotiations with the devolved governments to produce and implement a UK-wide energy plan. Decisions on energy projects and reservoirs in Wales will be devolved to the planning commission. However, there are proposals to increase the role played by the Assembly Government in energy consents.

In fact wording in the white paper suggests that Cardiff and London were not wholly in alignment when it was drafted. It states an intention to make Welsh ministers statutory consultees in the formation of national policy (golly!); suggests that Welsh ministers “would be prominent amongst those that developers would consult on their plans” and amongst those subsequently consulted by the commission (gosh!); and proposes that two or three commissioners would be appointed on the advice of Welsh ministers, one of whom would be a member of the panel drawn to consider and decide an application for an infrastructure project in Wales (so that’s all right, then!). The paper notes tepidly that Welsh ministers “have made clear that they will continue to pursue the devolution of energy consents over fifty megawatts”. It also refers briefly to the need for proper arrangements for cross-border projects, which “are

subject to discussion”.

What about the white paper’s proposals for town centre planning, “place-making” and minor planning proposals? Need these concern us?

The white paper seems to suggest that these proposals are for England alone. But Assembly Government officials have been tight-lipped and reluctant to commit themselves in the absence of a clear steer from incoming ministers. The research that lies behind the proposal to make changes to permitted development in order to make it easier for householders to undertake minor development freed from the need to seek planning consent was jointly commissioned by the Assembly Government and the Department for Communities and Local Government. Welsh chief planning officers have been told that ministers will be advised “about how the conclusions of this research can best be taken forward in Wales”. Does this mean that they will be advised to follow the approach taken in the white paper, or will an alternative approach be offered?

In England the plan is to enable householders to undertake extensions and alterations to property without seeking consent if such plans are likely to have a low impact on neighbours and neighbourhood. The white paper suggests that this approach could also be extended to commercial and industrial property. It refers to safeguards to protect local character and ensure neighbourly development but offers little detail on this. In fact, lack of detail on implementation is a flaw throughout the document.

In the case of town centres, the white paper follows Barker in proposing to abolish the current policy requirement on applicants to demonstrate the *need* for retail proposals outside town centres, where these are not supported by an up-to-date development plan. The ►



◀ test is described as a “blunt instrument” that restricts competition and consumer choice – the case argued before Barker in submissions from Wal-mart and Tesco. The paper claims to have the health of town centres at the heart of its concerns, but this proposal has justifiably led to a chorus of protest from planners and environmentalists. And it’s the facet of the government’s proposals that attracted most attention from the national press.

For example, Simon Jenkins’ *Guardian* philippic (23 May 2007) accused the retail giants and big construction firms of having mesmerised the ex-chancellor and the ex-communities minister, at the same time as he lambasted the proposal to use a national planning commission to determine major infrastructure schemes as bizarre and anti-democratic.

In a more restrained tone, the Civic Trust has argued that removing the requirement to demonstrate need as a part of the application process would be destructive to town centre regeneration aims and restrict even further a local authority’s ability to ensure a viable and sustainable mix of uses in a town centre.

The RTPI thought that Barker took ideas from academia “or from other systems” and “applied them in an unconsidered way to the planning system”; her proposals were made without an understanding of their

potential impact in practice.

The removal of the needs test was a case in point, yet survives in the white paper. Far from increasing the ability of more traders to enter the retail market, most planners agree that removal of the test would be likely to increase the pressure of big out-of-town and out-of-centre superstores and retail parks on fragile town centre economies, exacerbate the monopolistic tendencies of the major players, and generate yet more car travel by consumers, coincidentally weakening access to local shops for the disadvantaged.

The Competition Commission’s review of supermarket retailing judged the idea that the needs test was harmful and economically inefficient unproven.

The white paper may well have most significance for England. But we need to be wary,

We should be worried on more than one count. Firstly, without greater autonomy over energy consents, Wales will remain a junior partner in making decisions about major projects west of Offa’s Dyke, as well as in cross-border schemes. Not only this, but plans will be decided through a system that erodes local democratic input and limits third-party participation through the pseudo-engagement of “open-floor” consultation.

But major energy schemes are rare in Wales. What if

government in Wales decides to follow the English lead and abolish the needs test for retail development. This would immediately place further pressure on our city and town centres. Policy framed seemingly to widen competition within the hothouse economy of the south-east is hardly relevant here. Ministers will be briefed on the white paper; future directions in Wales depend on the approach taken they take.

There is also a need for joined-up thinking on the abolition of planning controls on householder development. This might seem to be a “good thing” – until one considers what it could mean for the standard of domestic design, the character of conservation areas, and development that affects the setting of a listed building. The white paper even contains the extraordinary suggestion that neighbours should buy each other off to remove applications from the planning system. The planning white paper and its counterpart on heritage protection exist in separate universes.

Welsh ministers have the opportunity to do some joined-up thinking and provide the resources to ensure a robust and home-grown approach to planning policy. It would be an appropriate response for the Assembly Government to issue its own planning “green paper” as a basis for an open debate about the way forward for Wales and the relationship between Whitehall and the Welsh planning system.

Matthew Griffiths

Info

Planning for a sustainable future was published in March. Consultation ends on 17 August. The white paper can be downloaded from the Department for Communities web site – www.communities.gov.uk.

Detailed commentary and analysis on the Barker review and the white paper are available on the English Civic Trust web site – www.civictrust.org – and via the RTPI on www.rtpi.org.uk. Barker itself is accessible at www.hm-treasury.gov.uk.

Environmental groups have a campaign site at www.planningdisaster.co.uk.