

town & country planning

The Journal of the Town and Country Planning Association

October 2015

Vol. 84 • No. 10

- **Jeff Bishop; David Alexander and Gavin Parker; and Ruth Stevenson and Jenny Howard Coles on neighbourhood planning**



tcpa

Town & Country Planning

The Journal of the

Town and Country Planning Association

ISSN 0040-9960 Published monthly

October 2015 • Volume 84 • Number 10

Town & Country Planning is the Journal of the Town and Country Planning Association, a Company Limited by Guarantee. Registered in England under No. 146309. Registered Charity No. 214348

Copyright © TCPA and the authors, 2015

The TCPA may not agree with opinions expressed in Town & Country Planning but encourages publication as a matter of interest and debate. Nothing printed may be construed as representative of TCPA policy or opinion unless so stated.

Editorial and Subscriptions Office:

Town and Country Planning Association
17 Carlton House Terrace
London SW1Y 5AS

t: +44 (0)20 7930 8903

f: +44 (0)20 7930 3280

Editorial: Nick.Matthews@tcpa.org.uk

Subscriptions: tcpa@tcpa.org.uk

Editor: Nick Matthews

Contributions: Articles for consideration are welcome. Material should be submitted to the Editor, preferably by e-mail and in Word-readable form. Reproduction-quality illustrations are welcome.

Advertising: Rates (not including VAT): Full page £800. Inserts from £400 (weight-dependent). Half page £400. Quarter page £300. Ten per cent reduction for agents.

Subscriptions: £119 in the UK; £145 overseas (mailed by accelerated surface post/airmail Europe).

Subscription orders and inquiries should be addressed to: Subscriptions, TCPA, 17 Carlton House Terrace, London SW1Y 5AS

t: +44 (0)20 7930 8903

e: tcpa@tcpa.org.uk

Payment with order. All cheques should be made payable on a UK bank. Payment may be made by transfer to: The Bank of Scotland (account number 00554249, sort code 12-11-03). MasterCard and Visa accepted.

Town & Country Planning is also available through TCPA membership. See the TCPA website, at www.tcpa.org.uk, for membership rates, or e-mail membership@tcpa.org.uk for details.

TCPA membership benefits include:

- subscription to Town & Country Planning;
- discounted fees for TCPA events and conferences;
- opportunities to become involved in policy-making;
- monthly e-bulletin;
- access to the members area on the TCPA website.

Printed by RAP Spiderweb Ltd, Clowes Street, Oldham OL9 7LY

Printed with vegetable-based inks on chlorine-free paper from sustainably managed sources.

contents

October 2015 • Vol. 84 • No. 10

regulars

- 418 **Inside Stories**
Michael Chang:
The TCPA continues in its journey in the East
- 422 **On the Agenda**
Kate Henderson
- 424 **Trading Places**
Anne Findlay and Leigh Sparks:
Open all hours?
- 427 **Green Network**
Julia Thrift:
Green infrastructure visions and big ideas
- 430 **Off the Fence**
David Lock:
Development management – reflecting badly
- 462 **Letter from Languedoc**
Graeme Bell
- 464 **Going Local**
David Boyle:
The new divide in politics
- 465 **Legal Eye**
Bob Pritchard:
A legal matter – policy and the role of the courts
- 467 **The Euro-Files**
David Shaw and Olivier Sykes:
Thinking outside the ‘territorial box’
- 472 **Connections**
Paul Burall

Neighbourhood planning, pages 332-352. Cover illustration by Clifford Harper. www.agraphia.com

features

- 432 **Where next for neighbourhood planning?**
Jeff Bishop considers emerging lessons from neighbourhood planning and ideas for the future
- 440 **Neighbourhood planning - a work in progress**
David Alexander and Gavin Parker on how neighbourhood planning has performed to date
- 445 **Neighbourhood planning and the energy conversation**
Ruth Stevenson and Jenny Howard Coles on research examining the potential for promoting renewable energy development through the neighbourhood planning process
- 453 **The rise and rise of viability assessment**
Bob Colenutt, Allan Cochrane and Martin Field argue that viability assessment adds to distrust between developers, local authorities and communities and threatens to undermine sustainability considerations
- 459 **Housing - location matters**
James Gleeson on housing inequality and the spatial pattern of recent population growth

inside stories

Town and Country Planning Association, 17 Carlton House Terrace, London SW1Y 5AS
+44 (0)20 7930 8903 • tcpa@tcpa.org.uk • www.tcpa.org.uk

- **we are:** independent and open to all who want better places
- **we have achieved:** greener cities, new towns, and better homes
- **we create:** ideas, knowledge, publications, campaigns, and independent policies
- **we aim to:** secure homes, empower communities, and deliver a sustainable future

...through planning

TCPA membership

The benefits of TPCA membership include:

- subscription to Town & Country Planning;
- discounted fees for TPCA events and conferences;
- opportunities to become involved in policy-making;
- monthly e-bulletin;
- access to the members area on the TPCA website.

Contact Rachel Weyman, Membership Officer
t: (0)20 7930 8903
e: membership@tcpa.org.uk
w: www.tcpa.org.uk

TCPA policy statements, available as free downloads from the TPCA website, at www.tcpa.org.uk

- Accessible and Sustainable Transport
- Accessible and Sustainable Retail
- Aviation
- Climate Change
- Green Belts
- Housing
- Housing Market Renewal
- New Towns and Town Extensions
- Planning and Sustainable Energy
- Strategic and Regional Planning
- Residential Densities
- Urban Renaissance in England



inside stories

Matt Brunt

Matt Brunt, former assistant director of *pteg* – the Passenger Transport Executive Group – has passed away peacefully after a long illness. A good friend and member of the TPCA, and a former Policy Council member, Matt – aged 47 – had taken early retirement from Leeds-based *pteg* on medical grounds.

As a leading figure in *pteg*, which represents the country's passenger transport authorities (and their new incarnations), Matt's experience proved invaluable to the TPCA. He was instrumental in persuading *pteg* to sponsor Association events. Jonathan Bray, *pteg's* Director, recalled that at a leaving event in Leeds, following Matt's cancer diagnosis, *pteg* staff paid tribute to his professionalism and dedication to public service – 'He was one of the good guys'. Bray said that, with a chosen profession in local government and a background in planning and urban policy, Matt had wanted to help make cities 'greener, more dynamic, fairer and just plain better places to be' and undertook his work with 'good humour, intelligence, dignity, camaraderie and quiet determination'.

Matt joined *pteg* in 2009 from Yorkshire Cities, a policy development and research network for Yorkshire's main urban areas (he had recently completed a Master's degree in urban policy and practice, including a significant research project on city collaboration). He had previously worked in local government in a number of policy, strategy and partnership roles. He leaves a wife, Kate, and three children.

Peter Hetherington TCPA Chair

the TCPA continues in its journey in the east

Michael Chang reflects on the TCPA's contribution, through a series of workshops and seminars in China on sustainable urbanisation, to learning directed at managing China's extraordinary scale of development and growth



Michael Chang, Doug Simpson and Nathan Vear at the June workshop in Beijing, with officials from the National Academy for the Mayors of China and British Embassy Beijing

Following on from a successful trip in October 2014,¹ the TCPA returned to China in 2015 to deliver another round of workshops, thanks to funding from the British Embassy Beijing's Strategic Prosperity Fund and support from the National Academy for the Mayors of China (NAMC).

Chinese towns and cities continue to experience significant growth, and with growth comes the challenges of environmental impacts and providing the necessary and timely infrastructure for a growing population. The UK, having experienced the impacts of rapid industrialisation and urbanisation in the 19th century, and initially leading the world in championing sustainable development through the Garden City model, is widely seen as able to offer insights and lessons for sustainable urbanisation for the 21st century.

With the support of the British Embassy Beijing, the TCPA collaborated with NAMC to deliver three half-day workshops in Beijing in June, July and October. The main audience was Mayors and Vice-Mayors from all corners of China, who attended the workshops as part of the training on urbanisation topics required annually by the Chinese Ministry of Housing and Urban-Rural Development – the equivalent in a UK context would be Leaders or Deputy Leaders of local authorities attending seminars delivered by the Planning Advisory Service for the Department for Communities and Local Government.

The first workshop, on 9 June, was led by Doug Simpson from the Greater London Authority and Nathan Vear from Oxford City Council, with support from Michael Chang of the TCPA. Doug presented on London's approach to waste management and

'Upon arriving in Beijing I was bemused by – and excited about – the size and scale of the city and its supporting integrated urban infrastructure. The training workshop was a useful experience, allowing the GLA to communicate its waste challenges and programmes, the former also experienced in Beijing. The need to provide cost-effective waste and recycling services to high-density housing stock strengthens the case for innovative and easily accessible waste and recycling storage facilities in new developments in order to recover the economic value that waste represents. Most questions I received were operational ones ahead of policy or were strategy related, leading me to believe that a lot of work and clarity is needed to set up and deliver local waste and recycling collection methods before focusing on innovative treatment opportunities. I hope that the information and weblinks I provided will help Chinese cities on this journey.'

Doug Simpson

Principal Policy and Programme Officer at the Greater London Authority, leading on waste

'Words can't describe just how big Beijing and China actually are! And with the huge amount of growth in development and urbanisation across China, to be able share knowledge, experience and lessons from the UK on flood risk management and flood resilience was a huge honour for me. My visit actually caused me to reflect more on our practices in the UK, particularly in the decision-making arena. The extent to which partnership working, collaboration and consultation is used in the UK is great; but the desire to achieve agreement and consensus among stakeholders and the public in pursuit of a favourable outcome can mean we put to one side difficult or contentious issues.'

Nathan Vear

Director at Kapaciti Environmental and Management Services (at the time of the visit to China Nathan Vear was serving as Interim Head of Environmental Development at Oxford City Council)

highlighted the economic opportunities of sustainable waste management, in addition to the environmental benefits of reducing waste generation at source. Nathan presented on how the UK deals with water and flood management through policy and governance arrangements – a timely topic given the recent floods in parts of both the UK and China. Other engagements during the trip included a presentation to students at Tianjin University by Doug, and a presentation by Nathan – and a TV interview – in Guangzhou on municipal waste management in the UK.

'The scale of change under way in China is immense, and you feel that there is so much more to come. It was interesting to hear the Chinese's concern that their transport systems require subsidy and their worries over how sustainable that may be – and to hear about how the regions want some degree of self-sufficiency through partnerships. My talk focused on forming joint ventures and other partnership arrangements; what works and what lessons we have learned in the UK. I shared with them how the likes of the Olympic Park redevelopment is being delivered and how local authorities and public bodies collaborating through a consortium/corridor approach can make for a more attractive investment prospect. I hope that our visit helped their learning – it certainly broadened my horizons.'

Mary Parsons

TCPA Trustee and Group Director of Regeneration and Placemaking at Places for People

'Having never been to China before I was struck by the country's energy and dynamism. There is a huge appetite to develop new ways of funding and delivering development and infrastructure, and a growing emphasis on good governance. I talked about the role that a sophisticated planning system can play in improving the sustainability of buildings and in reducing carbon emissions, as well as the social policy role it can have – for example to require the provision of affordable housing. This was followed by an explanation of different ways of structuring and funding new development, from straightforward public sector procurement to a more complex forward funding or PPP arrangement. The audiences, both in Shanxi and Beijing, were well informed about the UK's Private Finance Initiative (PFI) and wanted to understand more about the strengths and weaknesses of a PFI and PPP model. With the UK moving on from PFI, we tried to convey some of the lessons that the UK has learnt from its PFI journey. What's certainly clear is that there is a big role for UK experts to play in helping China to develop its own models and best practice.'

Marnix Elsenaar

Head of Planning at Addleshaw Goddard LLP

For the workshops held on 8 and 9 July, Michael Chang was accompanied by Mary Parsons, TCPA Trustee and Group Director of Placemaking and Regeneration at Places for People, and Marnix Elsenaar, Partner at Addleshaw Goddard LLP. This time, the main area of focus was on how physical infrastructure delivery can support sustainable growth through public-private partnerships (PPPs) and private finance initiatives. This was a particularly

'The operation of transport systems in cities has to be experienced to be understood. No images or text can prepare you for the way in which cities such as Beijing and Shenyang actually function. It is clear to me that these massive Chinese cities have reached a tipping point in terms of the direction of their future growth, having seen astronomic economic growth and associated growth in car ownership and use in the past few years. If this link is not broken, they will become so congested that their productivity and economies could go into decline. They are ahead of the UK in many areas of technological development and production, but do not appear to applying an integrated approach to land use and transport planning. Their new developments and growth areas are connected by very wide highways, so they will need to embrace the thought of taking out car road space in favour of a comprehensive, priority passenger transport network, and making well connected walkable cities, as in the examples presented from Birmingham.'

Scott Witchalls

Partner at Peter Brett Associates, leading on transport

timely subject given that a law was passed in China in 2014 giving guidance about managing local government debt through more transparent and effective use of PPP mechanisms. The Chinese were keen to learn more about the pros and cons of the use of PPPs in key infrastructure projects in the UK.

Before the Mayors' workshop a separate morning seminar was organised in Shanxi by the Shanxi Investment Consulting & Development Planning Institute (SICDP) to coincide with this visit. SICDP is an agency of the Shanxi Provincial Development and Reform Commission and part of the National Development and Reform Commission responsible for policy planning and research and advice on decision-making for all levels of government.²

Michael Chang returned to China with Peter Wright, Policy Manager at Transport for London, and Scott Witchalls, Partner at Peter Brett Associates, for workshops on 12 and 13 October on transport planning, with a particular emphasis on traffic management through congestion charging, low-emissions management, and sustainable modes of transport. Anyone who has been to China will recognise the need to resolve chronic congestion on the country's extensive road network and the consequent poor air quality in China's cities. A morning workshop with the Shenyang Urban Planning and Design Institute was organised to share the lessons from London and the UK with Shenyang, one of the fastest growing post-industrialised cities in North East China. The Mayors' workshop followed in the afternoon of the next day,

'The scale of the challenge that China's transport system is facing is enormous and needs to be addressed as soon as possible. In fact, despite city and government interest in congestion charging and low-emission zones, this needs to be led by urban planning and not only retrofitted by transport planning and behaviour change initiatives. For instance, while the metro system in Beijing has grown in recent years, it is essential that new developments are focused in areas with good public transport connectivity to reduce the dependence on private cars. Car parking provision will also need to change in city centres to reduce the attractiveness of cars to reach some of the most connected parts of the city. The vast roads (up to 14 lanes wide in Central Beijing!) are severely congested, with people parking on pavements in some places – and with aspirations for people to own cars, this will only get worse. In addition to investing in rail/metro improvements and expansion, cities need to make buses more attractive and reliable; make places in which people want to spend time walking and cycling; and take out space for cars to reverse the trend in car growth. It will take strong leadership and a willingness to learn from the experiences of the UK and other countries for this change to happen.'

Peter Wright

Policy Manager at Transport for London

with Mayors keen to implement UK initiatives on congestion charging and low-emissions zones.

The keen interest in UK experience shown by attendees at these events gives credence to the idea – an idea supported by the expertise of UK practitioners – that the UK is still seen as a beacon for learning on sustainable urbanisation initiatives and is looked to by policy-makers in developing nations. The UK must continue to push for the highest standards in social, environmental and economic sustainability in all its planning and development policies if it is to continue to be a leader in this field. Otherwise, in the long term the UK may find itself needing to learn from nations that are currently its 'students'.

● **Michael Chang** is TCPA Project and Policy Manager and leads on its Chinese project and engagement activities. The TCPA would like to thank Mei Kai, Ruikun Ji, Adele Ren and Tingting He from the British Embassy Beijing and Jingru Wang from the NAMC for their support throughout the project. The views expressed are personal.

Notes

- 1 D. Smith *et al.*: 'East meets West'. *Town & Country Planning*, 2014, Vol. 83, Dec., 524-6
- 2 A Chinese online news bulletin about this seminar is available at www.sxrtv.com/content/v/a/2015-7-8/1436355003492.shtml

the conference two-step



For most people, when the leaves begin to change colour it signals that autumn is on its way; for me it means that it must be party conference season again. The past few weeks have felt like a whirlwind of breakfast briefings, lunchtime roundtables and evening debates. There was certainly a buzz at both the Labour and Conservative Party Conferences this year, with lots of delegates and the usual hordes of journalists and public affairs advisers. Housing was a key topic of discussion, both in the main conference halls and in the fringe debates where I spend most of my time at the conferences.

This year the TCPA held two fringe debates at each of the conferences: one on 'Delivering the homes we need' and one on 'Rebalancing Britain: unlocking growth'. What is helpful about going to the two conferences in consecutive weeks is that it provides a really useful insight into how national and local politicians from across the spectrum are responding to key public policy challenges.

Housing and planning

At the Labour Party Conference Dr Roberta Blackman-Woods MP, Shadow Minister for Communities and Local Government, told the TCPA's housing fringe event audience that the Labour approach is to attack the Tory record on housebuilding over the past five years. Dr Blackman-Woods re-stated Labour's support for genuine Garden Cities, developed in line with the Garden City principles, and said that Labour would be actively opposing measures in the Housing Bill – not only the proposed extension of the 'Right to Buy' to housing association tenants, but also the selling-off of high-value council properties and further deregulation of planning.

Labour London-wide Assembly Member and Greater London Assembly Housing Committee Chair Tom Copley highlighted his serious concerns about the hollowing out of Central London through the forced sale of high-value social rented homes, a measure set out in the Housing and Planning Bill. Cllr Ed Turner, Deputy Leader of Oxford City Council, also expressed concern about the further deregulation of planning and housing standards.

Elsewhere at the Labour Conference, the new Shadow Housing and Planning Minister, John Healey MP, announced proposals for 100,000 new social and affordable homes each year – a figure referenced by Jeremy Corbyn in his first Leader's speech.

Unsurprisingly, the TCPA's housing fringe event at the Conservative Party Conference provoked an equally lively debate, although the focus was considerably different. Brandon Lewis MP, Minister for Housing and Planning, talked about speeding up the planning process and the need for developers to drive quality. He said that 'planning must build strong communities rather than housing estates' and described planning as the 'heartbeat of the council'. The Minister responded positively to a question I asked him about Garden Cities, saying that the 'Government remained supportive of the Garden City principles'. He invited councils and development consortiums with proposals for large-scale communities to talk to him about Government support for new Garden Cities.

Cllr Gary Porter, Chairman of the Local Government Association (LGA), highlighted that planning was not the problem and said that the real issues were the lack of development finance for small builders and the public sector. He said that the Government was 'making it harder for councils to build'.

Again, housing featured prominently in the Leader's speech, with the Prime Minister announcing a housing 'crusade'. David Cameron promised to 'turn generation rent into generation buy', with a pledge to build 200,000 starter homes by 2020. The 'starter homes' policy, set out in the Housing and Planning Bill, requires properties to be offered for sale at a discount of 20% below market rates. The discount will apply to homes worth up to £450,000 in London and £250,000 outside the capital, and purchasers must be first-time buyers aged under 40.

Rebalancing Britain: unlocking growth

The TCPA has a long history of promoting economic development in the regions and sees devolution as a positive opportunity to re-introduce strategic planning at the city-region scale, albeit on a voluntary basis.

However, the TCPA's second fringe event 'Rebalancing Britain: unlocking growth' – and other discussions I attended on the theme of the

on the agenda

'Northern Powerhouse' and devolution – raised more questions than answers at the Labour Party Conference. The TCPA debate was chaired by Kate Allen from the *Financial Times*, with contributions from Lord Jeremy Beecham, Labour CLG spokesperson in the House of Lords, Cllr Vince Maple, Leader of the Labour Group at Medway Council, and Alison Nimmo, Chief Executive of The Crown Estate.

Some of the questions asked at the event included 'Are the devolution deals driven by austerity or politics?' and 'Where is the public accountability in these deals?' At present, there do not seem to be clear answers to these questions. Lord Jeremy Beecham also highlighted that the Cities and Devolution Bill was more about functional devolution rather than genuine fiscal devolution, and he raised concerns about the role of elected Mayors.

The TCPA's 'Rebalancing Britain: unlocking growth' discussion at the Conservative Party Conference was well timed, taking place just after Chancellor George Osborne's speech in which he said that he would do everything in his power to deliver the 'Northern Powerhouse', and also announced that councils would be able to retain business rates and that a new National Infrastructure Commission would be established, chaired by Lord Adonis.

The debate at the TCPA's Conservative Party fringe event was positive about the opportunity that devolution brings, and Cllr John Beesley, Leader of Bournemouth and a member of the LGA City Regions Board, strongly advocated the role of the 26 'Key Cities' alongside the better known Core Cities. All of the panellists highlighted that democratic accountability was essential to making the devolution deals work.

Housing and Planning Bill

As the dust settles after the conference speeches, radical housing and planning reforms are now being introduced into Parliament through the Housing and Planning Bill, published on 14 October. The TCPA will be actively engaging in the Bill process, and there will be more on this and the TCPA's other activities in next month's 'On the Agenda'.

● **Kate Henderson** is Chief Executive of the TCPA.

central london meeting rooms for hire

The TCPA has two meeting rooms for hire in the centre of London for conferences, meetings and training events.

The Boardroom, which overlooks The Mall, was refurbished in January 2010. It can accommodate up to 40 people in a theatre-style layout and up to 28 in boardroom/roundtable style. A small meeting room, which can accommodate up to ten people, is also available for hire. A laptop and projector can be hired, subject to availability. Refreshments and lunch (not included in the room hire) can also be ordered at the time of booking.

The TCPA's premises are situated in the Grade I listed 17 Carlton House Terrace, close to Trafalgar Square, and a few minutes' walk from Charing Cross and Piccadilly Circus Underground stations. The TCPA has no parking facilities, but a National Car Park at the end of the Terrace in Spring Gardens can be accessed via Trafalgar Square.

The rooms are available for hire all year round during office hours. Evening hire may be available by arrangement.

Booking priority and preferential rates are given to TCPA members.

For further information and hire rates and to check availability, ring 020 7930 8903 or e-mail roomhire@tcpa.org.uk



TCPA
17 Carlton House Terrace
London SW1Y 5AS
www.tcpa.org.uk

open all hours?



In his Summer Budget of 2015 the Chancellor announced that: 'To ensure that local areas have a greater say over their own economies, the government will consult on devolving powers on Sunday trading to city mayors and local authorities. This will look at allowing mayors or councils to extend Sunday trading for additional hours within parameters that they would determine.'¹ On 5 August the consultation was duly issued, with a deadline for submissions of 16 September.² The consultation sought views on whether Sunday trading rules should be extended to local levels, but also introduced the potential discretion for such rules to be applied to defined areas within localities. Perhaps unsurprisingly the proposals have generated considerable debate, with both support and concern in many quarters.³

The current situation

In England a distinction is made between large and small shops in respect of Sunday trading. Large shops (over 3000 square feet in area) may open Monday to Saturday without restrictions, but on Sundays can only open for six hours between 10 am and 6 pm, and must close on Easter Sunday and Christmas Day.⁴ Exemptions include farm shops, bike shops, exhibition stands, pharmacies, airport, station and port shops, and forecourt retailers. Small shops (i.e. those below 3,000 square feet in area) can open any hours they choose.

It is 21 years since the current Sunday trading legislation was introduced,⁵ repealing Part IV of the Shops Act 1950.⁶ The implemented solution (the so-called 'partial reform proposal') represented a 'happy British compromise'⁷ between strongly held and competing views. Ten years later, the Regulatory Reform (Sunday Trading) Order 2004 removed the previous requirement for large shops to notify local authorities of Sunday trading hours, but hours must be displayed and are still limited to six hours per day on Sundays.⁸ In 2006 an informal consultation took

place in recognition that ten years had passed, working patterns had changed and society was more multicultural.² This concluded that there was no demand or good reason to change the law.

In 2012 limited legislation to relax Sunday trading laws for eight days was introduced for the London Olympics. George Osborne did note that the Treasury 'may learn lessons' from the experiment, but it was stated at the time that it was not a pilot for wider liberalisation of Sunday trading.⁹ In 2013, during the Business, Innovation and Skills Select Committee Retail Inquiry into the Retail Sector, the issue was raised by London's New West End Company's submission:¹⁰

'... it is important to ensure that retailers can compete with 24/7 internet retailing. While we appreciate that the Committee does not wish to examine Sunday trading, research undertaken by NWECC during the extended hours introduced by the government during the Olympic and Paralympics games showed that longer opening had a very positive impact on retailing with little deterrent to smaller stores or employees.'

The New West End Company has argued that 3,000 jobs would be created in London, generating £200 million, if shops were allowed to trade for an extra two hours on a Sunday.¹¹ The Select Committee report noted that it specifically excluded the issue of Sunday trading deregulation as there were no consistent views across the sector.¹²

When she became High Streets Minister in 2014, Penny Mordaunt was reported as saying that the potential for Sunday trading must be explored.¹³ However, in April 2015 David Cameron reiterated that 'we have no current plans to relax the Sunday trading laws'.¹⁴

Pros and cons

The Summer Budget announcement and subsequent consultation have been welcomed by some and condemned by others.¹⁵ The context is very different from that of the 1994 debate, although some of the issues are the same.

Both the pro- and anti- sides of the debate claim that their position will make a better society and promote family life.¹⁶ The online environment has expanded and flourished, creating competitive



The extended Sunday trading proposals have generated both support and concern

disruption; it has been argued that longer Sunday trading could transfer some trade back to shops. The recession has been deep and high street vacancies remain high; some think longer Sunday trading could boost trade and/or return trade to the high street. Others think that trade would just be spread more thinly across the extended day and week with no extra revenue. As the Chancellor also introduced an enhanced minimum wage in the 2015 Summer Budget,¹ which will raise employment costs in the retail sector, extending hours at this point in time could prove too expensive for many businesses. Both competitive and cost issues are felt strongly by small shop lobbies, who also point to the need to protect work-life balance for their members.¹⁷

The consultation was set in a specific contextual setting,² of devolving powers from central government to either local councils or to local leaders, such as Mayors. In deregulating previously highly restrictive shop hours, Germany also chose to make this a devolved responsibility; the result is a wide variability, reflecting different local societal preferences and pressures. Variability of policy and regulation is never popular with major retailers, for whom it always becomes an extra cost, although they would also argue that it heightens consumer confusion as well.³

However, the consultation went further and suggested that local authorities/Mayors could 'zone' areas for different hours – for example, extend

Sunday trading for a high street with department and other large stores but maintain hours for out-of-town centres. The converse is, of course, also true, but possibly less likely in the current climate. The consultation did not propose the localisation of decisions to further restrict Sunday trading – although, if localism is the driver, one wonders: why not?

The wider picture

Scotland does not have the same Sunday trading restrictions as England and Wales. Generally, the large shops which open on Sundays are out-of-town superstores and non-food shops in managed shopping centres and city centres. In some parts of Scotland, such as the Western Isles, shops still choose not to open on Sundays. Northern Ireland also operates its own shop hours policy which restricts Sunday trading to 1 pm-6 pm. A review of Sunday trading in 2011¹⁸ concluded that no change should take place and post-Budget responses suggest this position still holds.¹⁹ The issue is also being debated in a number of European countries, and indeed supermarkets in France are advertising widely their recently permitted Sunday opening.

Given the proposals in the consultation, the public debate is narrowly defined by the Sunday trading focus, but it is worth widening it. Small-shop lobbies are concerned by changes to the competitive environment, and yet many small specialist food shops close at 5 pm or 5.30 pm, while multiple grocery retailers and affiliated convenience stores stay open. Increased multiple convenience store representation in town centres is creating a different evening trading environment and expectation.

Similarly, the consultation, with its renewed focus on localism and place, has opened up the debate about how places could be conceived and constructed in this field. By placing the onus on local authorities and/or Mayors (although quite how this would work in practice without being subject to legal challenge remains to be seen), the proposals firmly provide planning and control with a small window to focus on places and activities. If this happens, then the debates and outcomes at a local level will be fascinating. George Osborne's speech at the 2015 Conservative Party Conference proposing the abolition of the uniform business rate, the retention of business rates locally and permission for cities to increase rates²⁰ would suggest that this may be part of a wider agenda of localising or devolving policy.

● **Anne Findlay** is an Honorary Research Fellow and **Leigh Sparks** is Professor of Retail Studies at the Institute for Retail Studies, University of Stirling. The views expressed are personal.

Notes

- 1 *Summer Budget 2015*. HC 264. HM Treasury, Jul. 2015. p.63. www.gov.uk/government/uploads/system/uploads/attachment_data/file/443232/50325_Summer_Budget_15_Web_Accessible.pdf. See also 'Chancellor's Summer Budget Speech', 8 Jul. 2015. www.gov.uk/government/speeches/chancellor-george-osbornes-summer-budget-2015-speech
- 2 *Sunday Trading: Consultation on Devolving Sunday Trading Rules*. Department for Business, Innovation and Skills/Department for Communities and Local Government, Aug. 2015. www.gov.uk/government/consultations/devolving-sunday-trading-rules
- 3 L. Tugby: 'Retailers fear Sunday trading red tape nightmare'. *Retail Week*, 5 Aug. 2015. www.retail-week.com/topics/policy/retailers-fear-sunday-trading-red-tape-nightmare/5077785.article
- 4 L. Conway: *Shop Opening Hours including Sunday Trading*. Briefing Paper 05522. House of Commons Library, Aug. 2015. <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05522>
- 5 Sunday Trading Act 1994. HM Government. HMSO, 1994. www.legislation.gov.uk/ukpga/1994/20/contents
- 6 Shops Act 1950. HM Government, HMSO, 1950. www.legislation.gov.uk/ukpga/1950/28/pdfs/ukpga_19500028_en.pdf; 'Trading hours for retailers: the law'. Webpage. HM Government, Nov. 2014. www.gov.uk/trading-hours-for-retailers-the-law
- 7 'Interview: Justin King, chief executive of Sainsbury's'. *The Telegraph*, 7 Apr. 2012. www.telegraph.co.uk/finance/newsbysector/retailandconsumer/9191993/The-Sunday-Interview-Justin-King-chief-executive-of-Sainsburys.html
- 8 The Regulatory Reform (Sunday Trading) Order 2004. Statutory Instrument 2004 No. 470. TSO, 2004. www.legislation.gov.uk/uksi/2004/470/pdfs/uksi_20040470_en.pdf
- 9 'Sunday Trading: Olympic Games 2012'. *Hansard*, 26 Mar. 2012, Vol. 542 (286), col. 1003. www.publications.parliament.uk/pa/cm201212/cmhansrd/chan286.pdf
- 10 *Written Evidence Submitted by the New West End Company*. House of Commons Business, Innovation and Skills Committee Inquiry into the Retail Sector, Apr. 2013. www.publications.parliament.uk/pa/cm201314/cmselect/cmbis/168/168vw22.htm
- 11 P. Wintour: 'Budget 2015: George Osborne to shake-up Sunday trading laws'. *The Guardian*, 7 Jul. 2015. www.theguardian.com/business/2015/jul/07/george-osbornes-budget-to-include-shakeup-of-sunday-trading-laws
- 12 *A Strategy for Future Retail*. Department for Business, Innovation and Skills, Oct. 2013, p.25. www.gov.uk/government/uploads/system/uploads/attachment_data/file/252383/bis-13-1204-a-strategy-for-future-retail-industry-and-government-delivering-in-partnership.pdf
- 13 T. Holland: 'New minister for high streets dismisses call for "Tesco tax"'. *Retail Week*, 30 Jul. 2014. www.retail-week.com/property/new-minister-for-high-streets-dismisses-calls-for-tesco-tax/5062755.article; and R. Thomson: 'Analysis: should Sunday trading restrictions be relaxed?'. *Retail Week*, 1 Aug. 2014. www.retail-week.com/topics/policy/analysis-should-sunday-trading-restrictions-be-relaxed/5062811.article
- 14 M. Dathan: 'A timeline of David Cameron's broken promise on Sunday shopping'. *The Independent*, 7 Jul. 2015. www.independent.co.uk/news/uk/politics/emergency-budget-2015-live-david-cameron-breaks-another-promise-as-sunday-shopping-set-to-be-given-green-light-10371546.html
- 15 D. Pocklington: 'Budget statement – Sunday trading'. Blog entry. Law & Religion UK, 8 Jul. 2015. www.lawandreligionuk.com/2015/07/08/budget-statement-sunday-trading/; D. Pocklington: 'Sunday Trading – comments, updates and links'. Blog entry. Law & Religion UK, 7 Aug. 2015. www.lawandreligionuk.com/2015/08/07/sunday-trading-comments-updates-and-links/; N. Morris: 'Sunday trading hours to go round-the-clock: Osborne to announce biggest shake-up in 20 years in Budget'. *Independent*, 7 Jul. 2015. www.independent.co.uk/news/uk/politics/budget-2015-live-emergency-uk-george-osborne-to-deliver-round-the-clock-sunday-shopping-10370379.html; and J. Wilmore: 'Sunday trading laws shake-up in Osborne's Budget'. *Retail Week*, 7 Jul. 2015. www.retail-week.com/topics/policy/sunday-trading-laws-shake-up-expected-in-osbornes-budget/5076730.article
- 16 'Keep Sunday Special kicks off campaign to preserve existing Sunday trading laws'. *Asian Trader*, 13 Aug. 2015. www.asiantrader.biz/industry-news/Keep+Sunday+Special+kicks+off+campaign+to+preserve+existing+Sunday+trading+laws/2735; 'Would new Sunday trading rules destroy small shops?'. Webpage. Marketplace. <https://marketplace.enterprisenation.com/blog/posts/would-new-sunday-trading-rules-destroy-small-shops>; J. Bingham: 'Sunday trading law reform "will damage fabric of society"'. *The Telegraph*, 8. Aug. 2015. www.telegraph.co.uk/news/society/11792237/Sunday-trading-law-reform-will-damage-fabric-of-society.html; 'Relaxation of Sunday trading laws will strengthen and drive trade in town centres?'. Webpage. British Council of Shopping Centres (BCSC), 10. Aug. 2015. [www.bcsc.org.uk/news/view?id=79&x\[0\]=news/list](http://www.bcsc.org.uk/news/view?id=79&x[0]=news/list); '£20 billion reasons to shop on Sunday'. Webpage. LSE, Mar. 2015. www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx; and 'Sunday trading: the industry reacts to potential relaxation of laws'. *Retail Week*, 7 Jul. 2015. www.retail-week.com/topics/policy/sunday-trading-the-industry-reacts-to-potential-relaxation-of-laws/5076747.article
- 17 'Sunday trading plans harmful, complicated and unnecessary'. Webpage. Association of Convenience Stores, 2015. www.acs.org.uk/sunday-trading-plans-complicated-harmful-and-unnecessary/
- 18 *Review of Sunday Trading Laws*. Northern Ireland Assembly, Sept. 2011. www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2011-2012/110908_sundaytradinglaws.pdf
- 19 C. McNeilly: 'Budget 2015: DUP will not follow Osborne's lead on Sunday trading opening hours'. *Belfast Telegraph*, 9 Jul. 2015. www.belfasttelegraph.co.uk/news/northern-ireland/budget-2015-dup-will-not-follow-osbornes-lead-on-sunday-trading-opening-hours-31363028.html
- 20 George Osborne's Speech to the Conservative Party Conference is available at www.conservativehome.com/parliament/2015/10/george-osbornes-speech-in-full.html

green infrastructure visions and big ideas



What are parks and green spaces for? Leisure? Nature? Sport? Sustainable urban drainage? Urban cooling? Having fun? Holding events? Attracting investors? Attracting tourists? All of the above? And, if it's all of them, how can all this be achieved?

There is an urgent need to transform the way we design, maintain and fund our green spaces. The 19th century model we inherited, in which local authorities provide and maintain individual parks primarily for people's leisure, is broken. Local councils' parks budgets are being cut dramatically, and the ability of individual local authorities to create and fund the networks of multi-functional green spaces that we need to tackle 21st century problems such as climate change resilience and air pollution is constrained. At a regional or landscape level we need a more strategic approach to design and governance. At a local level it is vital that more of the beneficiaries – public health agencies, business, transport providers, water companies – contribute to funding the maintenance of green infrastructure. And at a 'hyper-local' level communities should be able to have a real influence over the green spaces they visit and love.

Achieving a transformation of this magnitude, with the active involvement of so many different people and organisations, will require a very clear vision. If a single green space is simultaneously an important part of a sustainable urban drainage system, a pedestrian and cycling highway, a nature reserve, and a much-loved local park, the stakeholders will range from water utility companies to parents and children. How can all of their – legitimate – concerns be fed into the management of the space? How can individual spaces, with their differing stakeholders, be co-ordinated into a wider network?

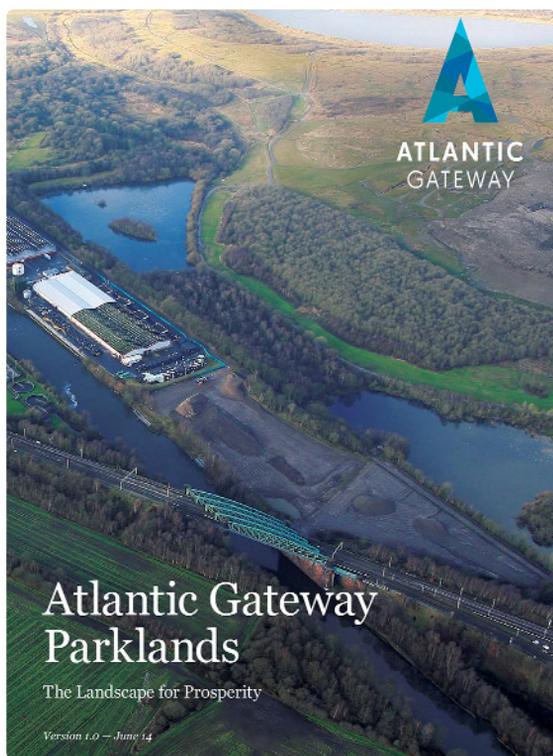
A starting point is to have a very clear vision of what could be achieved, powerfully communicated to all involved. In the last 18 months two notable visions for green infrastructure have been promoted: Atlantic Gateway Parklands in the North West, and

London National Park City in the capital. While both have provided a strong rationale for improving green spaces, one is professionally led and aims, primarily, to achieve institutional change; the other is a grass-roots initiative that aims to influence politicians and individuals. Given the likelihood that these sort of green infrastructure 'big ideas' will be increasingly important in delivering networks of multi-functional green spaces, it is worth looking at the two models and at what they have achieved so far.

The Atlantic Gateway¹ consortium aims to maximise investment in the North West, encompassing both Greater Manchester and Liverpool and surrounding areas. It has a Board that includes both the private sector and local political leaders and works with the three Local Enterprise Partnerships – Liverpool City Region, Greater Manchester, and Cheshire and Warrington. One of its priorities is to enhance the area's green infrastructure through a project set out in a prospectus, *Atlantic Gateway Parklands – The Landscape for Prosperity*,² and which is led by an energetic but part-time manager, Richard Tracey.

Tracey himself is a former employee of the Northwest Regional Development Agency and explains that much of the impressively corralled vision and information about the potential benefits of green infrastructure set out in the *Parklands* prospectus came out of work initiated by the RDA, work which in turn had its roots in the 2006 North West of England Regional Strategy. In other words, this pan-regional environmental strategy, now championed by Atlantic Gateway, has been developed over nearly ten years. 'Keeping the idea of an environmental strategy going for so long has been our biggest achievement,' says Tracey.

A number of precedents inspired Atlantic Gateway Parklands. Locally, the Mersey Basin Campaign had successfully drawn together a coalition of interests that led to the cleaning up of the river basin and major waterside regeneration. Internationally, Emscher Park³ – the huge (450 square kilometres) area of the Ruhr valley in Germany that was once highly contaminated post-industrial land and buildings, but is now parklands with semi-derelict factories transformed into extraordinary venues – was an important example of what could be achieved with a strong vision and a dogged approach.



The *Atlantic Gateway Parklands* prospectus and the *National Park City* proposal

‘We can tell a very clear, straightforward story,’ explains Tracey. ‘We have a narrative that fits in with the economic work, and are trying to drive the idea that the environment is not the enemy of the economy. We are a tiny organisation with a big mouth.’

As well as setting out a vision, Atlantic Gateway Parklands had a small budget to encourage key local projects. ‘We back projects that are exemplars of what we think this is all about,’ says Tracey. The funding for this came from a donation from Peel Holdings, based on a percentage of its investment in a local development, and was intended to set a precedent. The idea was that developers would contribute 1% to this environment fund – along the same lines as the ‘per cent for art’ initiative. Disappointingly, this has not happened and Peel’s initial contribution remains the only money in this pot.

The focus of Tracey’s work is to promote the Atlantic Gateway Parklands vision; to work with a wide range of organisations and partners, including Local Nature Partnerships; and to work with the projects, engaging with a professional rather than a lay audience. ‘We have no marketing or PR capacity to reach a wider public,’ he explains.

This, perhaps, has been a weakness. While many professionals are aware of Atlantic Gateway Parklands

and can see how they might engage with it, the majority of the population living within the boundaries of the strategy will have no idea that it exists. Now, with the Chancellor championing his vision for a ‘Northern Powerhouse’ so vocally, there is a risk that this new vision, and the money that might come with it, will overshadow the Atlantic Gateway and in doing so will leave the Parklands strategy out on a limb, with neither funding nor public support to sustain it.

In contrast, the London National Park City⁴ campaign has rapidly growing support from the public, but has been met with some scepticism by professionals. Led by Daniel Raven-Ellison, a former geography teacher, it is a campaign that is strong on vision and chutzpah, but weaker on technical detail. Having said that, its aims and objectives have clearly been modified and clarified over the last year, as Raven-Ellison has learned from professionals asking probing questions about what exactly he means by a ‘National Park City’. ‘I’m a teacher by training and believe in the power of learning,’ he comments.

The campaign’s polished and professional website starts with a proposition and rallying cry: *‘Let’s make London the world’s first National Park City. A city where people and nature are better*

connected. A city that is rich with wildlife and every child benefits from exploring, playing and learning outdoors. A city where we all enjoy high-quality green spaces, the air is clean to breathe, it's a pleasure to swim in its rivers and green homes are affordable. Together we can make London a greener, healthier and fairer place to live. Together we can make London a National Park City.'

To planners and other professionals, 'National Park' implies 'planning powers'. To the public, however, it means something vaguer but much more powerful: a special green place that is protected and enhanced, a green place in which you can live and work. To respond to the idea by asking 'What about planning powers?' is surely to miss the point. The campaign, which started on the internet and social media, published a print version of its proposal⁵ this summer in order to reach less technically savvy audiences. Beautifully designed and powerfully written, its production was paid for by a crowd-funding campaign that aimed for £30,000 but exceeded this ambitious target and raised £32,508 from 347 backers.⁶

For Raven-Ellison engaging the public is far more than a way of gaining political support: it is at the heart of the project. 'If you look at the All London Green Grid, 60% of it is in domestic gardens. We need to have a value-shift; people need to realise why it would be a good idea to plant a tree,' he says. 'We've got something that may inspire a very large number of people to do a lot of small things.'

Raven-Ellison says he was inspired to start the campaign after walking across London, through established green links: 'I saw all kinds of wildlife, but not a single kid.'

London National Park City is a campaign, not a green infrastructure strategy. It has various elements and offers a number of ways in which people and organisations can become involved, including individual electoral wards declaring themselves supporters. At the time of writing, 50 had done so, and the Mayor of London and London Assembly have given their support. When two-thirds of the wards – 436 of them – have become supporters the campaigners will announce that London has become a National Park City. The idea that the support of two-thirds of London's council wards will have established National Park City status is entirely made up by the campaigners, as Raven-Ellison freely admits. 'Rather than trying to get London designated a National Park City we will declare it,' he says. This is, surely, a stroke of marketing genius (just think of the media coverage it will generate), and something that professionals trying to promote green infrastructure could learn from.

While landscape architects, planners and others promoting green infrastructure often despair of getting their messages about the value of green space across to the public, Raven-Ellison has tapped into the public's latent support and orchestrated it into something that politicians would be unwise to ignore. Quibbling about detailed implementation is beside the point – the ideas are flexible enough to adapt, and Raven-Ellison and his supporters are savvy enough to adapt to institutional structures where helpful and ignore them if unhelpful.

Nevertheless, the governance of London's green spaces, which involves 33 London boroughs, the Royal Parks, the Corporation of London and an increasing number of charities, is so complex that working out how this popular campaign can mesh with institutional structures will be tough. Raven-Ellison has been in contact with the Mayor of London's Green Infrastructure Task Force, which will be making recommendations about the future of London's green infrastructure later this year.

However, whether in London, the North West or anywhere else in the country, it is this institutional complexity that makes a strong vision for parks, green spaces and wider green infrastructure so important. The key to delivering green infrastructure that is fit for the 21st century will be communicating this vision as widely and as vividly as possible. The effectiveness of the visions of Atlantic Gateway Parklands and London National Park City remain to be seen – but harnessing media attention and public support will surely be vital to success.

● **Julia Thrift** is Head of Projects and Events at the TCPA, and acts as co-ordinator for the Green Infrastructure Partnership – see www.gip-uk.org/. She is member of the Mayor of London's Green Infrastructure Task Force. The views expressed are personal.

Notes

- 1 See the Atlantic gateway website, at www.atlanticgateway.co.uk/
- 2 *Atlantic Gateway Parklands – The Landscape for Prosperity*. Atlantic Gateway, Jun. 2014. www.atlanticgateway.co.uk/_assets/downloads/AG_Prospectus.pdf
- 3 See the Emscher Landscape Park website, at www.emscherkunst.de/riverscape-emscher/emscher-landscape-park.html?L=1
- 4 See the London National Park City website, at www.nationalparkcity.london/
- 5 *National Park City. A Proposal to Make Greater London the World's First National Park City*. London National Park City, Jul. 2015. www.nationalparkcity.london/proposal
- 6 See the 'Let's make Greater London a National Park City' Crowdfunder website, at www.crowdfunder.co.uk/help-make-greater-london-a-national-park-city

development management - reflecting badly



It was a small firm that had grown large over 40 years. Located at the margins of a New Town, it had enjoyed the Development Corporation's growing spend, and that of incoming residents and businesses. Energetic management built a reputation for good work and led to huge contracts of international repute for quality. They needed a larger, more secure, and more accessible location for its 200 staff, equipment and materials. The existing site is in the suburban edge of what has now become a small country town a mile from the New Town. The site has houses on two sides, and fields on the other two.

The District Council does not have a five-year housing land supply, and the housing requirements in its Development Plan 2015 are spelled out to be minima — this New Town has been a regional growth point for 40 years and is under pressure to grow further.

The firm is advised that its surplus site would be best developed for housing. Fresh commercial uses — even if they would be permitted — could be disturbing to the neighbours, and ugly.

It is not possible to speak to the local planning officer to test the idea. The firm is told to 'make a pre-application'. There is the Government trying to simplify planning application procedure, and here are the planners running a whole application system in advance of the real one!

For small projects it ought to be called the 'pre-app rip-off'.¹ It involves preparing an entire draft planning application package with all the necessary maps, plans, diagrams and photos, plus a written explanation and justification, and handing over multiple copies and a cheque for a ridiculously small sum² to the Planning Department. If you are digitally included, have infinite patience, and the District has the necessary colour printer at their end, this can be done on-line (although, as with on-line banking, you have to suspend disbelief and trust both the technology and its operatives).

After an indeterminate period (in the face of which the pre-applicant has no remedy of any kind) a person in the Planning Department will 'validate' the pre-application. Here is another piece of invented planning process that crept out of nowhere!

Then, after many weeks in which apparently nothing happens, although the Planning Department says it is consulting everyone from Network Rail to the National Grid about your little project (I'm not exaggerating much), a letter will arrive to tell you what you could have read for yourself in the Local Plan. But the letter has a rider which says that this advice has no value as the Planning Committee might take a contrary view on all this anyway. What sort of service is that?

Having experienced that money-wasting, time-wasting, patronising, incompetent and unhelpful process in many parts of England, the firm is advised to skip it, but they still want to brief the local councillor as a courtesy.

The local councillor comes along — the firm is among the biggest in his ward and employs quite a few of his constituents — but he brings the local planning officer too. There is a persistent belief that councillors 'can't' talk to people about planning matters. The councillor says no, giving reasons that are a mash up of half-understood planning policy, and a kind of NIMBYism which plays well locally. The planning officer says nothing.

The application for around 50 homes is submitted, validated, and all the usual consultations and role-playing takes place. The firm's advisers ask to meet the planning officer to discuss the objections to see if things can be done to improve the proposal. He refuses because the firm hadn't previously submitted to the pre-app rip-off.

Planning permission was refused, for two reasons: the site was an unsustainable location and was in open countryside.

The public inquiry into the appeal was held in the dying days of 2014. The Council had been late and unco-operative at every step of the appeal process, and too late decided to withdraw the first reason for refusal (the site is on the best bus route in the district, connecting to the whole New Town, and is a short walk away from the railway station and local town centre, new schools and other amenities).

Three days before the inquiry opened the Secretary of State Eric Pickles 'called-in' the appeal for his own determination. This meant that the Inspector would report to him, and not make the decision herself. So much for speeding up planning at the top. Why the great man should concern himself with around 50 houses on a brownfield site in a major growth point with no limit on housing numbers was bemusing. A nearby Neighbourhood Plan was cited, irrelevantly. The general election was five months away.

'In these pages we argue for planning as a civilised and civilising creative activity. We argue for strategic planning, stronger local government, action over climate change, and the need to deal with poverty and the iniquitous 'bedroom tax'. But we need to understand that that the planning system is not always a creative force for social, environmental and economic improvement'

The inquiry was excruciating. The District Council has an appeals officer to do its dirty work – a pressured soul who spends his time only doing appeals, into cases of which he had no prior knowledge and in which he had no prior involvement and which, by definition, will be contentious. Horrid job.

The general election delayed a decision and, because of the change from Coalition to Conservative Government, the firm was told there would be no decision until the new Secretary of State was settled in. Then it was told the decision had been delayed for so long that it would be further held up by the Community Infrastructure Levy Regulations which came into place in April 2015. This meant, they said, very careful consultations with the District and legal experts to make sure that the planning gain being demanded was lawful in all its details.

When the decision arrived after ten months with the Secretaries of State, it was, as expected, an approval. The application for partial costs to be awarded against the Council was upheld.

The outcome is loss to the firm, who had to fight an unnecessary appeal. There is the cost to the District of lost planning gain and use of staff time and resources, and the costs award has to be paid. There is the loss of more than a year in the firm's growth plans.

This highly abbreviated anonymised tale shows a face of the modern planning 'service' that is simply unacceptable in all its features. The inability to take simple soundings from the local planning officer. The councillor confused by some learning but playing cynical games. The Planning Department sleep-walking to refusal. The role of appeal officers in shielding planning staff from the consequences of their actions. The intervention of the Secretary of State in a small local matter. The decision delayed for political convenience and then by a self-induced tangle over the Community Infrastructure Levy Regulations. No member of the public happy, no public purpose served.

In these pages we argue for planning as a civilised and civilising creative activity. We argue for strategic planning, stronger local government, action over climate change, and the need to deal with poverty and the iniquitous 'bedroom tax'. But we need to understand that that the planning system is not always a creative force for social, environmental and economic improvement. The planning system can consciously grind the face of the citizen, and demand a fee for the privilege, and can be wholly lacking in any sense of responsibility for such behaviour. This is bad.

● **David Lock CBE** is Strategic Planning Adviser at planning and urban design consultancy David Lock Associates, and a Vice-President of the TCPA. He is a member of the Board of Ebbsfleet Urban Development Corporation. The views expressed are personal.

Notes

- 1 Pre-application procedures were first vilified in this column in October 2009 – see D. Lock: 'Cash for questions'. *Town & Country Planning*, 2009, Vol. 78, Oct., 407-8
- 2 If it is true that fees are to cover the cost of the service, as Ministers have said, the cost of the service needs to be properly calculated, and the concept of 'service' in return has to be attached to the deal. The odd way the foundations of charging were established were summarised in this column in September 1998 (D. Lock: 'New tax or real reform?'. *Town & Country Planning*, Vol. 67, Oct., 279). The current fee for a pre-application for a smaller project cannot possibly cover the cost of its collection

where next for neighbourhood planning?

With all the main political parties having apparently agreed before the general election to continue with Neighbourhood Plans, Jeff Bishop reflects on emerging lessons and ideas for the future

The Localism Act passed into law in November 2011, 18 months after the general election of 2010 and the formation of the Coalition Government. The Act covered a wide range of issues, but this article focuses on just one measure introduced by the Act: Neighbourhood Development Plans (NDPs).¹ In relation to planning, all this was about, to quote a speech by Greg Clark, at the time Minister of State for Decentralisation, enabling local people to agree that:

*'this is what we want our area to look like. Here is where we want the new homes to go and how we want them designed; here is where we want new shops and offices; here are the green spaces we want to protect.'*²

Almost everything in the Localism Act came from pre-election Conservative Party razzmatazz – the 'Big Society', 'Open Source Planning', and so forth – and there is no evidence that the Liberal Democrats contributed to the overall principle of NDPs or its detail. Looking back, the Big Society has been quietly sidelined and largely forgotten; it is probably only NDPs that still wave (if rather wearily) that particular flag.

One other potentially significant change in the Localism Act – a requirement for pre-application community involvement³ – has quietly faded, but it is picked up again later in this article.

In order to help kickstart NDPs, the Department for Communities and Local Government (DCLG) sought bids from neighbourhoods to become 'front-runners', with the prospect that the associated authorities would receive £20,000 per front-runner to assist the local work. Some bids came direct

from communities, but many came from local authorities, sometimes with the full support, sometimes the rather reluctant, even confused, support of the relevant community. With 244 front-runner NDPs identified, a total of £4,880,000 was given out in support.

With the front-runner programme in place, DCLG funded support to neighbourhood planning first, and separately, through Planning Aid, Locality, the Campaign to Protect Rural England/National Association of Local Councils and the Prince's Foundation. For the second phase of this support, from 2013 to 2015, all funding went through Locality alone (although that involved others such as Planning Aid), totalling close to £4,800,000. Around 430 NDP groups received free support, and grants were given out to around 1,000 groups. (Grant aid continues and can now be as much as £8,000.)

The initial four organisations, and especially Locality, have also produced a large amount of general and specific guidance for NDP groups and local authorities. Some NGOs (for example Civic Voice) have published advice, and the Planning Advisory Service and many local authorities have run awareness and training events and published their own guidance. This is, in total, a remarkable if not always consistent resource.⁴

Around this time, DCLG also backed up the legal duty on local authorities to provide assistance to NDP groups by offering £30,000 per plan to relevant planning authorities. This came in tranches related to stages, most of it being for the costs of the examination and referendum. To date, around 1,128 first tranches of £5,000 have been given out by DCLG, 126 sums of £5,000 for completed

plans and 76 sums of £20,000 for successful examinations. Some authorities kept this funding totally to themselves to pay for staff time in supporting NDPs as well as for the later formal stages, but others chose to pass across some to the actual NDP communities.

In addition to these resources, some NDP groups have also sought help from consultants if they did not have a local or nearby 'friendly planner'. That help has varied from almost literally doing the NDP for a group to no more than providing some ad hoc advice or perhaps undertaking a specific task such as Sustainability Appraisal.

NDPs were also made more attractive through the offer that any Parish or Town Council (but not urban Neighbourhood Forum) succeeding with an NDP would then receive 25% of any Community Infrastructure Levy (CIL) monies rather than 15% where no NDP is in place.

As of spring 2015, the net result of this was that there were around 1,400 communities on their way to producing NDPs. Fifty-two NDPs have been or are finally being made following successful referenda, averaging an 88% vote in support on average turnouts of 32%. There are 6.1 million people living in these 1,400 communities, so potential current NDPs cover around 11.5% of the country's total population (remembering that this is for England only). On the basis of all the figures quoted above, the total sum provided by central government to advancing the production of NDPs currently stands at close to £10 million, without including the core costs for DCLG, Locality and others.

The careful reader will already have noticed a difference between the title of this article – neighbourhood *planning*, and the specific focus of the Localism Act – Neighbourhood Development *Plans*. This is deliberate because, as will become clear, it is essential to look more broadly in two ways: first to consider forms of neighbourhood planning other than just formal NDPs; and secondly to consider neighbourhood planning as part of a system rather than in isolation – in particular how NDPs relate to strategic planning and to development management.

The next issue to address is where the information in this article comes from. Most of the basic facts and figures come from DCLG (as above). That is balanced by more subjective information, feedback and ideas from a number of colleagues involved directly in neighbourhood planning, and from this author's own experience.

There is, however, one interesting information gap. Although one would have thought that neighbourhood planning would be a rich vein of gold for academic research and discourse, there has been remarkably little coverage in academic journals.

Reflections on progress to date

The decision to introduce NDPs was a bold one, and one that, in principle, this author fully supports. Despite the challenging points that follow, none of that should devalue the amount of work, the quality of the work and the value of the work that the 1,400 or so communities have put and are still putting into their NDPs. Not only are there now many NDPs that are strong, clear and positive statements about how their communities should develop in spatial terms, but those involved both very directly (the steering groups) and less directly (the wider communities) feel more engaged with, more aware of and more positive about planning.

'Not only are there now many NDPs that are strong, clear and positive statements about how their communities should develop in spatial terms, but those involved both very directly (the steering groups) and less directly (the wider communities) feel more engaged with, more aware of and more positive about planning'

Although the result of the recent general election has enabled the Conservatives to continue (now alone), it is valuable to note that, prior to the election, agreement had been reached with the Labour and Liberal Democratic parties to continue with NDPs and with their funding even if there had been a change of government. That is a powerful and unusual accolade.

But now the cautions.

At a semi-private meeting with Greg Clark when he was the Minister responsible for neighbourhood planning, he said he was 'proud to be part of a government that invented neighbourhood planning'.⁵ While 'he would say that, wouldn't he', it is not strictly true; neighbourhood planning did not just emerge de novo and fully formed from Conservative or Coalition thinking. It builds from Village/Town Design Statements, the first opportunity local people were given to produce statutory policy, and from the subsequent promotion of Parish/Town Plans (which often contained land use related proposed actions); both initiated very successfully in the mid-1990s, if intended mainly for rural communities. It also builds from the significant

extra weight given to community input by the Labour Government in the 2004 Planning Act⁶ and many other initiatives around that time.

Many other speeches, articles and promotional material followed the production of the Localism Bill and then the Act, yet the initial reaction on the ground, once people had read (or even not read) the small print, was often one of great disappointment. As a result of the political rhetoric, many communities had expected (even if wrongly) to be able to resist development, sometimes any development at all, and/or include policies in their NDP that went against their Local Plan.

What they saw was that any NDP would have to deliver at least as much development as in their Local Plan, or more; and that any policies would have to be in 'general conformity' with that plan and therefore that standards such as for parking or the size of dwellings were almost entirely fixed from above (although a few NDPs have succeeded in amending area-wide standards such as for parking). As this author remembers only too well from conferences and seminars at that time, this did not go down at all well with many!

But this begs the question of why so many communities considered that what was in place pre-NDPs – Core Strategies and so forth – was not good enough. There appear to have been three motivations behind this:

- first, fundamental concerns about planners and councillors – distrust about what their plans included and frustration about their perceived inability to stop poor developments;
- secondly, frustration that planning seemed unable to deliver appropriate (as they saw it) space standards for houses, parking, low-energy buildings, and so forth; and
- thirdly, a concern that district-wide plans were too generalised and unresponsive to the local distinctiveness of specific places.

The hope was that NDPs would be able to help with all three of these, but that is not yet proving to be the case.

When looking at which communities took up the NDP offer, it is noticeable that the majority of the 1,400 are in rural areas, based on pre-existing Parish or Town Council areas. Take-up in urban areas has been far slower and the take-up for business-led NDPs has also been very slow (the first was only made in May of this year).

Looking further into the detail, two early studies⁷ showed that, when plotted against the Index of Multiple Deprivation, wealthier neighbourhoods (hence mainly rural) are more likely to be undertaking an NDP. Many of such communities are also of course home not just to more professionals but to relevant professionals. There appear to have been few NDP groups that have not had some level of

access to a planner, and at least one NDP group is comprised almost entirely of planners, agents, surveyors and others with directly relevant skills. Some exceptions to this are where local authorities have linked NDP work into area planning in more deprived areas and also, as in Bristol (see later), where the authority introduced a form of sieving to favour those communities and areas in greater need.

'It is unfortunate that so much emphasis was placed by politicians (but also by civil servants) on NDPs as the only way for communities to play a role in very local planning'

It is also important to ask whether the funding has succeeded in delivering made plans or plans well on their way well towards being made. Sixty-nine of the 244 front-runner groups have now successfully passed examination, but that is after two and in some cases three years. At the same time, this author and some colleagues know of several front-runner groups that have completely ceased to work on their NDP, while others have shifted tack and taken another approach. In one case, a front-runner group ceased to pursue its NDP, drew a small proportion of 'their' £20,000 from their local authority to produce a Design Statement, and the authority then pocketed the remainder.

One has to ask whether £4,880,000 in support, plus, in many cases, some part of the £30,000 per plan per authority, has been well spent if only 69 of the original group have reached and passed examination and only 52 NDPs (not all from front-runners) have been finally made.

In terms of transparency over how the £30,000 sums to local authorities have been used, this author is not aware of any occasion when the local authority has audited, or has even been asked to audit, the time and cost of their support; we simply do not know if, how or to what effect that money has been used. Given the requirements for transparency laid down on community groups when receiving grants from many of the same authorities, this is very worrying.

It is unfortunate that so much emphasis was placed by politicians (but also by civil servants) on NDPs as the only way for communities to play a role in very local planning. For many communities, especially where key decisions had already been taken about site selection, the next most important issue that could be addressed through planning was design, yet it is this author's experience that most

people gained the impression (and were sometimes actually told) that community-led Design Statements were no longer appropriate or even possible.

It is worrying, for example, that the Norland community in London (one of the front-runners) felt that they had to go through all the rigmarole, time and cost of an NDP just to get a Design Statement through their local authority, although this may also reflect on the authority (and on those others where little weight is still given to perfectly good Design Statements). For other communities, traffic on existing roads and any added in by new developments is the key issue, but an NDP can do little about that. For others, the issues may be more social and economic, for which something like an

recent experience, nobody yet seems to trust the sort of figures quoted in any of the guidance.

Furthermore, another key reason for the emphasis on rural communities is, of course, that at least a Parish or Town Council has a precept that it can choose to access, even increase, to provide funding, whereas an urban Neighbourhood Forum has no similar resource on which to call. For disadvantaged communities the funding issue is particularly critical, even determinative.

There is also some evidence that grants are becoming more difficult to get. This could be good if more care is being given to who is most in need, but the problem appears to be more one of securing strong and clear costings for grant aid for



'Time and costs are also issues in their own right for all... and for disadvantaged communities the funding issue is particularly critical, even determinative'

updated Parish Plan might be a better way forward.

Put simply, NDPs have been seriously oversold and many people have been seduced into approaches that are inappropriate and hence wasteful of their (and the nation's) precious time and resources.

Time and costs are also issues in their own right for all. All too commonly one hears the comment from an NDP group that 'had we known how much time it would take and how much it would cost, we'd probably never have started'. This is difficult because nobody at the outset really knew how much time would be needed, although there is a commonly quoted figure that Parish Plans took on average 4,500 hours of community time; a NDP was certain to require far more than that. As for costs, the sort of figures bandied about vary hugely (although £30,000 crops up regularly), and, from

what are often quite complex tasks as defined by communities unfamiliar with both the content and the process.

Moving into more detail, some other questions arise about the regime as currently operated.

Time and cost also relate to the type of NDP that is being developed. For those communities where decisions about site allocation have already been taken or where no further development is being proposed, the complexity of their plan is significantly reduced in every sense (even if it is often development that generates the ability, for example through CIL, to deliver other things). Where an NDP is proposing sites, and particularly if these vary from those being proposed by the local authority, the nature and quality of evidence and the time and costs involved are considerably greater. Once again, it is easy to say this in retrospect, but

people could easily have been warned about this.

The point about evidence also links to as yet unresolved issues about the status of an NDP when no Local Plan and hence a proven five-year housing supply is in place, and about the status that might be given at appeal to an 'emerging' but not yet examined NDP. As of now, the experience on both issues is mixed, and it is very difficult to offer clear advice to communities.

Towards the end of 2014 and at the start of 2015 it appeared that the Secretary of State was leaning towards giving status to NDPs that were close to but had not yet cleared examination, but subsequent High Court decisions have now brought that into question.⁸ This uncertainty is very unhelpful, but, for communities struggling with resources, responding properly to current planning applications (often for more development than their Local Plan proposes) makes it extremely difficult to also make speedy progress with their NDP – exactly the vehicle that might help them to manage such predatory applications.

There are also continuing uncertainties about what constitutes general conformity with an adopted Local Plan. Even with very strong evidence, can (or how can, or how much can) an NDP introduce variations to Local Plan housing density, parking or open space standards? Can an NDP push further on issues such as levels under the (now

At a very different level but extremely important for very local plans such as NDPs, issues arise about the 'duty to co-operate'. This legal duty does not apply to NDPs, yet any NDP that aims to address issues such as the provision of doctors' surgeries, schools, sports facilities or transport services will inevitably run into the problem that these cannot be planned at this level; they are issues for whole authorities. It is this author's experience that some Parish Councils in particular are (tautologically) still very parochial; i.e. they are disinclined to talk to, yet alone work with, adjacent parishes, thus repeating the common Parish Plans history of several adjacent parishes each proposing the surgery in their community. And the complexity of urban movement patterns and catchment areas makes this just as much of an issue there as well.

Another issue that rankles with NDP groups concerns the role of community engagement. This is probably the single most commonly mentioned issue in all the national and local guidance, yet what it actually means in practice varies considerably and its status has been questioned. There are some examples of extremely thorough engagement being undertaken, alongside examples of NDPs produced almost entirely by small cliques and then just sent out to the wider community for 'consultation'. This relates to the status given to engagement and its results, because not only are people who believe in doing it thoroughly seeing NDPs being made on the basis of very minimal engagement but there has been one recent example of a community apparently being told by an examiner that no weight could be given to the results of their thorough engagement because engagement is not one of the 'basic conditions'. That is profoundly discouraging for those who take engagement seriously.

This last point leads to another: the selection of an examiner. A NDP group has the ability to suggest if not determine who they would wish to act as examiner of their plan. There is already some anecdotal evidence that groups are keeping an eye on how different examiners deal with plans presented to them and are preferring those they believe to be more lenient or more likely to attribute real weight to (for example) thorough community engagement. If true, this subverts the notion of the fully independent examiner, and it is creating considerable uncertainty and scepticism among communities.

This then leads to a more challenging question about the use of referenda; a question that takes us right back to the heart of local democracy. Put at its simplest, as some have done to this author, why should a NDP in a community with an elected council (Parish or Town) that has emerged from extremely thorough community engagement, often far more thorough than for any Local Plan, have to go to referendum when that Local Plan, with many

'There is already some anecdotal evidence that groups are keeping an eye on how different examiners deal with plans presented to them and are preferring those they believe to be more lenient or more likely to attribute real weight to (for example) thorough community engagement. If true, this subverts the notion of the fully independent examiner'

withdrawn and apparently to be replaced) Code for Sustainable Homes or on house space standards?

In terms of the scope of NDPs, there is also continuing uncertainty about the requirements to produce Sustainability Appraisal (or even Strategic Environmental Assessment) at all, about what form that might best take, and about the stage at which it should be done.

more and more basic strategic implications, is not required to do so?

The final points in this section are about what happens when an NDP is finally made. At that point, the planning authority takes on the role of using that plan, as part of its suite of plans, in making decisions on applications. For Parish/Town Councils as statutory consultees, this would seem to make no real difference to their position, although many believe that it should do and that they should play a greater role if their NDP is in place.

But what of an urban Neighbourhood Forum? Once their NDP is made, the Forum has no role at all, and all that then happens is no more than late and traditional (and still often gratuitous) neighbour notification. Some of those that have reached this stage are concerned about this and feel that some form of continued role is essential, which takes us back to the failure of the Coalition to put in place some form of legal requirement for pre-application community involvement.

This is important because, even if an NDP group has been genuinely helped by some local planning officers (almost always policy planners), there is likely to be residual distrust of development management planners: will they and the councillors even read, let alone give any weight to, 'our' NDP, and will they offer us more and better pre-application involvement? Evidence on this is as yet very limited. One key decision for Thame went very much with the NDP, whereas one in Cringleford went against when the planners decided that they could support a project at a higher density than the NDP had determined, causing much local anger. (Very topically, a decision has recently been made against the Milton Keynes NDP, again to great local concern.)

In summary, the considerable potential major value of NDPs is being damaged by them being put forward as some form of 'cure-all' when what is needed (which planners above all ought to know) is a more thoughtful and careful assessment of 'symptoms' before a 'prescription' is suggested. In addition, if the early evidence about which communities are most likely to commit to an NDP and hence receive funds is still true, the regime appears to be favouring those who 'have' and disenfranchising those that 'have not'.

Where next?

NDPs seem to be with us to stay. In principle that is good, but two fundamental issues must be addressed, and urgently.

The first step must be to ensure that communities are given the right advice about when an NDP is or is not appropriate for them, and about other choices available to them. In the February 2015 edition of *Town & Country Planning*, this author and a colleague described a collaborative initiative in which many Town and Parish Councils worked with

their local authorities to agree housing sites that would be included in sites and allocations (or place-making) plans.⁹ No NDPs were needed for this. The level of positively changed relationships between planners and communities was remarkable and, in most cases, community choices are now embedded in a strategic plan. This is something that NDPs do little if anything to tackle; they still too often reflect an us (community) versus them (authority) approach.

'The first step must be to ensure that communities are given the right advice about when an NDP is or is not appropriate for them, and about other choices available to them... The second step must be to address the question of how, in these straitened times, precious funding is distributed'

Design Statements, traffic studies, facilities audits and even Parish Plans can also be more appropriate alternatives in some cases (and less costly in all senses) than NDPs, but only if they are properly used during the development management process. Guidance is needed to help communities – and planning officers – to make the right choice of 'prescription' for each different local situation.¹⁰

With this in mind, it is naïve to imagine a great surge in NDP take-up in urban areas. Even with the continued stress on re-using brownfield land, many communities in larger towns and cities are very stable and not subject to enough of any form of development to warrant a full NDP (although they may well have other issues to address). It will inevitably be the smaller towns and villages and urban regeneration areas where NDPs will be more appropriate.

The second step must be to address the question of how, in these straitened times, precious funding is distributed. It is arguable as to whether first-come, first-served was ever a good way to get the NDP initiative started nationally, but simply giving the resources to those who appear to least need them cannot be justified any longer. In this country we have a long and positive history of creating models to ensure that funding is targeted at those most in need, and that should now be the approach.

One aspect of this must therefore be the level at which such decisions are made. The present model is for decisions to be made at national level, but we

have known for years that this leaves too great a gulf for any sensible decision-taking on local issues. Those best placed to make decisions (as the Conservatives repeat almost endlessly), especially if criteria about priority are to be used, are those at local level. National level operation also means that any advice is given on a quick 'in and out' format, whereby the advisor is only involved for a very short period with that one group. This misses out on both a proper understanding of the specific context of any NDP (again reinforcing the 'one NDP size fits all' syndrome) and on the crucial aspect of encouraging local groups to network among themselves, to share skills and resources and build local capacity.

There are in fact models already existing and working that show the potential of shifting the control of funding and advice services to a more local level, to something like local authority level if not to authorities themselves. One model has been in operation across Gloucestershire since NDPs started and is operated by the Gloucestershire Rural Community Council (GRCC), with what might be called technical support coming mainly from a colleague of this author. GRCC offers an advice and support service which builds on its well established knowledge and skills relating to communities and their needs, and on its equally well established approaches to networking and community capacity-building.

GRCC produces locally targeted guidance (while also referring people on to other national material); refers people to sources of funding; always tries to ensure that proper decisions are made about the appropriateness or not of an NDP for any particular community (hence also offering other choices); produces databases of proven NDP policies (for people to 'borrow'); and encourages, both informally and formally, local sharing of experience through conferences and workshops.

Advice from GRCC to specific communities is not entirely free (although some networking and training activities are) but is made possible by relatively tiny amounts of annual contribution from some of the Gloucestershire local authorities. It is the view of officers in those authorities that this is extremely cost-effective in taking an enormous load off their own colleagues and in raising awareness and standards generally.

This rural example can be balanced with the urban example provided by Bristol City Council and the NPN, the Bristol Neighbourhood Planning Network.¹¹ The City Council operates a system of priority-setting for the support it will give to NDP groups. For groups in regeneration areas (hence almost always the more disadvantaged communities) it provides as much support as it can. For those in areas of less development pressure (more likely to be more wealthy) it limits support to basic aspects only. Members of the NPN, all volunteers, then

provide what support they can to complement the City Council's approach, again with an emphasis on sharing skills and experience, networking and building capacity, and working closely with the City Council, and not just on NDPs but on all planning issues.

Such more localised models are almost certain to be able to deliver more effectively than any continuation, as now, of the national support model. There is also another powerful argument for shifting to a more localised approach. A phenomenon familiar to those involved in new initiatives is that the early take-up usually comes from the more aware and keen groups, and one simply cannot assume that take-up rates will keep going as they did when NDPs had just been launched. There is always a hiatus because groups in a second wave need different approaches, different information and different incentives, and all of this with and from 'people like us', i.e. similar groups nearby who have been through or are going through the process. Continuing to emphasise national promotion and support will simply run out of value, and soon.

There is, however, an important proviso to the above. What is suggested is still unlikely to help many of those disadvantaged communities who will not even realise that NDPs exist, let alone that they may be relevant and useful to them; nor will it ensure that they are given the desperately needed financial resources (or help in kind as in Bristol) unless the funding regime includes some format to enable this to happen. This is made very difficult at present because local authorities only receive a proportion of the £30,000 from DCLG until an NDP is submitted for examination; they have to spend at risk. That should change to bring the funding further forward in the process, perhaps to draft plan consultation stage.

If the two points above are the key ones, there are also some others to highlight, in no particular order:

- A decision may be on its way but it would be good to know sooner rather than later about the status of emerging NDPs, both when there is and when there is not an adopted Local Plan in place (or, to complicate matters, when a Local Plan itself is 'emerging' or out of date).
- Clearer guidance is needed on all aspects of needing and producing Sustainability Appraisals etc.
- Without recourse to introducing a formal 'duty to co-operate' for NDPs (the current one is hardly a great example), something that stresses the need for any NDP to show clear evidence about how its proposals relate to those of adjacent communities is crucial.
- Greater accountability is undoubtedly needed over how funding is used and time is spent. Local authorities often introduce rigorous systems for community groups to account for how grant aid is used, but that should be mutual for NDPs: local

authorities receiving their tranches of £30,000 per NDP should provide clear information back to each NDP group about exactly how that resource has been used.

- There are already some good examples of NDP processes involving students (for example on the Whitchurch NDP in the Bath and North East Somerset area). This is of value to all parties and could, perhaps should, be developed more and more formally.
- It is remarkable that, despite the pressures during the recent review, DCLG did not choose to make community engagement a basic condition for NDPs. Maybe that is not the best route, but good engagement needs to be stressed as a key requirement and it must also therefore be properly valued at examination.
- The selection of examiners for NDPs should operate exactly as it does for local planning authority plans.
- Parish and Town Councils where NDPs are in place should have an enhanced role as statutory consultees to ensure (or just to make it clear) that their plans are given proper weight. Some format for the continuation of urban Neighbourhood Forums is necessary to ensure that they too have a role in ensuring that their NDPs are given proper weight. (A suggestion has apparently been made that a Forum might be able to morph into a form of Parish Council and hence be given status as a statutory consultee.)
- Of benefit to all, not just NDPs, the Localism Act's commitment to pre-application community engagement, supported recently by a group of a cross-industry organisations,¹² should be looked at again and any necessary secondary legislation progressed. This should not be, as informally suggested, only for larger schemes, because some small schemes can have a far greater community impact than some larger ones. Formats exist to agree a level of engagement appropriate to the scale and nature of any project, and they should be used – and the development industry urgently needs to break out of the damaging approach of only consulting once an application is ready.

Since the general election in May, various announcements have been made to suggest that the regime for NDPs will be simplified and speeded up. At the time of writing it was not clear what exactly this might entail. Although what sounds primarily like procedural change could well be of value, it is very unlikely that the changes will deal with the issues raised above. To repeat a point made on two occasions, NDPs are in principle an extremely valuable, some might say overdue, addition to the available suite of planning tools. However, their effective delivery is highly dependent

on several changes, notably on clarifying where and when NDPs are and are not appropriate and on shifting an outdated national support system to one far more locally sensitive and based more fairly on need.

● **Jeff Bishop** has worked directly on neighbourhood planning issues and on related training, guidance and support. He wishes to thank a number of colleagues who have contributed to this article, although the views expressed are personal.

Notes

- 1 Neighbourhood Development Orders, the Community Right to Build and Assets of Community Value are all relevant but, as yet, there is too little evidence to comment on them
- 2 G. Clark: 'Participation in planning'. Speech to TCPA Annual Conference, London, Nov. 2010. www.gov.uk/government/speeches/participation-in-planning
- 3 Localism Act 2011. HM Government. TSO, 2011, para. 122: 'Consultation before applying for planning permission'. www.legislation.gov.uk/ukpga/2011/20/contents/enacted
- 4 See, for example, Planning Practice Guidance: 'Neighbourhood planning'. <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning>
- 5 This was at a meeting for councillors and others in Thame in relation to their emerging NDP
- 6 Planning and Compulsory Purchase Act 2004. HM Government. TSO, 2004. www.legislation.gov.uk/ukpga/2004/5/contents
- 7 See G. Vigar, E. Brooks and S. Gunn: 'The innovative potential of neighbourhood plan-making'. *Town & Country Planning*, 2012, Jul./Aug., 317-9; and J. Geoghan: 'Poorer areas see fewer plan applications'. *Planning*, 25 Mar. 2013, pp.4-5. www.planningresource.co.uk/article/1175787/poorer-areas-few-neighbourhood-plan-applications
- 8 See, for example, 'High Court delivers fresh blow to Pickles over neighbourhood plans'. *Planning*, 5 May 2015. www.planningresource.co.uk/article/1345762
- 9 J. Bishop and J. O'Rourke: 'Strategic localism?'. *Town & Country Planning*, 2015, Vol. 84, Feb., 62-65
- 10 One such guide exists, prepared by Place Studio: *Planning and Localism: Choices and Choosing. 2103 Update* – available at www.placestudio.com/projects/planning-and-localism-choices-and-choosing-2013-updated-guide/
- 11 D. Farnsworth: 'A network route to localism in planning'. *Town & Country Planning*, 2011, Vol. 80, Mar., 128-32
- 12 *10 Commitments for Effective Pre-Application Engagement*. Local Government Association, Royal Town Planning Institute *et al.* Local Government Association, Jan. 2014. www.rtpi.org.uk/media/844002/10%20commitments%20for%20effective%20pre-application%20engagement.pdf

neighbourhood planning – a work in progress

David Alexander and Gavin Parker reflect on how neighbourhood planning has performed so far – particularly among rural communities – and on where it is heading

Further reform of the planning system, with the Government demonstrating little overall grasp of the need for policy coherence or for underlying principles, is acting to prolong uncertainty.¹ Two diametrically opposed approaches are at work. On the one hand there is a centralised desire to deconstruct the mandatory planning system through reduced 'regulation', but at the same time it is argued that local communities should have more control over planning through the support of voluntary but statutory neighbourhood planning.

Research undertaken by consultants Turley in 2014² indicated that around 66% of Neighbourhood Plans at the time of study covered rural areas, with an overwhelming majority in the South of England. One of the reasons for this is that during the 1990s Village Design Statements (VDSs)³ were introduced to encourage rural communities to participate in and influence the way the planning system operated locally. Then, in the early 2000s, Parish Plans⁴ became an important step in helping rural communities to take charge of their own destinies and strengthen Parish and Town Councils.

As a result, a set of skills and a body of relevant community expertise became available to help ensure that rural communities were ahead of the game. This was drawn upon when neighbourhood planning was introduced following the 2010 general election and the introduction of the Localism Act 2011. Arguably, the early adopters in the South reflected the degree of development pressure felt there, even as the UK emerged from a recession.

In December 2014 the House of Commons Communities and Local Government Select Committee report on the effectiveness of the National Planning Policy Framework (NPPF) raised a number of crucial points on Neighbourhood Plans.⁵

While they were strongly supported, it was recognised that they should not become largely the preserve of the middle classes. The report also argued that Neighbourhood Plans must not be ignored in planning decisions, and that developers should work with neighbourhoods to ensure that development meets local needs. The report further argued that the crucial relationship between Neighbourhood and Local Plans must be clarified, and that Neighbourhood Plans should not be adopted until the relevant Local Plan was in place.

Principal issues raised in the report covered the voluntary nature of Neighbourhood Plans, resource implications, and the uneven geography of neighbourhood planning when set against the demographics of the wider population. In the run-up to the 2015 general election, the then Coalition Government advocated that Neighbourhood Plans 'should be the bedrock of the future planning system', but did not explain how this might be brought about. Since then, the only firm indication about the future has been that neighbourhood planning will continue, and that the Government wants to find ways to speed up the process.⁶

The present

The Department for Communities and Local Government (DCLG) has outlined the current position on Neighbourhood Plans, emphasising the growth of designated neighbourhood planning areas.⁷ By May 2015, there were over 1,350 designated areas, and by July this had jumped to 1,500, covering over 6 million of the 54 million people in England. In conforming to national policies and advice, the strategic dimension of development plans, sustainable development, and EU obligations, the top five Neighbourhood Plan policy issues to



Rural areas might be seen as leading the way, but much of their neighbourhood planning experience could be useful to urban neighbourhoods

date have been: promoting local distinctiveness; parking standards; designating local green space; encouraging new employment uses; and the scale, height and density of new development.

The average cost of producing a Neighbourhood Plan is currently £13,758, principally covering planning advice, consultation, and graphic design, printing and distribution. A £22.5 million Government programme of grants has been agreed over the next three years for communities preparing Neighbourhood Plans. Each group can claim £8,000, with a further £6,000 made available for recognised 'priority areas'. There is also a local authority asset fund of £12 million, with each Neighbourhood Plan worth £30,000 to a local authority, of which £20,000 is available only after a successful examination of the Plan.

Research has recently been undertaken at the University of Reading,⁸ through structured telephone interviews with a total of 120 respondents undertaking neighbourhood planning (70 of the sample were rural) and discussion with six focus groups. The research report set out a number of key findings:

- The primary motive of neighbourhood planning participants was to gain some control over local decision-making and set future agendas.
- Neighbourhood planning was a burdensome task for volunteers.
- There was an uneven spatial distribution of Neighbourhood Plans across England.
- Most Neighbourhood Plans seemed to be progressing well.

It also set out some key recommendations:

- There should be a duty of support through local authorities, using a memorandum of understanding.

- A project planning approach should cover questions of who, what, when, where, how, and how much.
- Templates should be used for plan stages and policies.
- Face-to-face support is important.
- Engagement design and training are important.

The research report reflected on a number of key points:

- Neighbourhood planning is here to stay and looks set to get stronger post-2015.
- Neighbourhood planning must be properly resourced and supported at all working levels.
- More emphasis must be placed on the early stages of the neighbourhood planning process.
- The limits and counterparts to localism should be recognised, and the relationship with the Local Plan must be clarified.⁹

Involvement

Those directly involved in neighbourhood planning can help to identify good practice for planners who are increasingly involved in the process, as highlighted at a recent CPD event held in the North West of England to consider some of the lessons from pioneering neighbourhood planning initiatives in rural areas.

For example, Tattenhall and District Parish Council led the development of a far from straightforward Neighbourhood Plan for a village of approximately 2,000 people, 8 miles south east of Chester.¹⁰ Tattenhall already had a Parish Plan (2006) and a Village Design Statement (2009), with a proven track record of consultation, engagement and project delivery. Two rounds of consultation took place over 10 months before a draft Neighbourhood

Development Plan was drawn up. Following further consultation, the Neighbourhood Plan was submitted to the local authority in 2013, and a referendum was held in October 2013, following an independent examination in July/August. On a turnout of 52%, 96% voted to accept the Neighbourhood Plan, which was finally approved by the local authority in June 2014.

The main issues and challenges were:

- the lack of an up-to-date Local Plan and a five-year housing land supply;
- developer pressure;
- strong legal challenges against the plan (dismissed by the courts in May 2014);
- the huge learning curve to understand the planning system that faced those drawing up the Neighbourhood Plan;
- the development of local skills and community cohesion; and
- over three years of work, including more than 5,000 volunteer-hours.

Dore Village Society in Sheffield is responsible for Dore Neighbourhood Forum and for developing the Dore Neighbourhood Plan, which remains a work in progress. The Society has the express purpose of providing for social, economic and environmental wellbeing in the area and has had experience of a Village Design Statement adopted as Supplementary Planning Guidance since 2005. Questionnaires have been carried out through the magazine *Dore to Door* and on the Society's website, subject working groups have been established, and a one-day workshop has been held on the character of existing housing areas.¹¹

A draft vision and objectives have been produced, with working groups covering:

- natural beauty and public access to the Eastern Moors fringe of the Peak District National Park;
- retention of Dore's unique village character, enclosed by the Sheffield Green Belt;
- buildings and areas of special architectural, historic and archaeological value;
- quiet, safe, attractive, and low-density residential environments;
- a large number of local open spaces;
- retention of the important village centre; and
- enhancing the important railway station that serves both Dore and Totley.

Neighbourhood planning has come late to Lancaster City Council, with the key issues being:

- **Conformity:** The NPPF requirements for Neighbourhood Plans were stressed – 'Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies' (para. 184). However, Lancaster had no strategic Local Plan policies in place. According to the

NPPF, Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area and must be in general conformity with the strategic policies of the Local Plan (para. 184). However, with this proviso, they can be developed before or at the same time as a Local Plan and both should discuss and agree the relationship between them. The recent High Court decision in *Woodcock Holdings Ltd v the Secretary of State and Mid-Sussex District Council*, over the Sayers Common Neighbourhood Plan, was highlighted, emphasising that:

- Neighbourhood Plans cannot place limits on development which are not compliant with national Planning Practice Guidance.¹²
- Having a presumption in favour of sustainable development and planning positively for growth does not exclude the adoption of Neighbourhood Plans.
- In advance of an approved Local Plan and five-year housing land supply, any attempt to restrict housing allocations to a local requirement will not prevail (NPPF paras. 14 and 49).
- The weighting allocation is: no weight before submission for examination; limited weight when submitted; significant weight after referendum success; full weight following approval by the local authority.
- **Boundaries:** Neighbourhood Plan areas can be contentious and can lead to a potential legal challenge.
- **Resource implications:** Funding is not ring-fenced, and there is no guarantee that it will cover all the costs, especially if court proceedings are involved.

A key concern of the University of Reading research was the question of 'why now?', and the fundamental motivation seems to have been significant concerns about rural greenfield development sites. Neighbourhood Plans prepared in the context of a reactive wish to constrain development and outflank the Local Plan are not a good starting point for positive discussions on basic principles.¹³

The potential for Neighbourhood Plans to help create diverse, thriving, relatively self-contained and sustainable rural communities is gaining momentum. How do people want their areas to function, and can Neighbourhood Plans capture new business opportunities and support the social sustainability of rural communities through mitigating and adapting to climate change and tackling fuel poverty?¹⁴ Responses to the North West of England CPD event included:¹⁵

- Neighbourhood Plan consultations can lead to changing attitudes.
- The scope of Neighbourhood Plans tends to widen with consultation, rather than narrow.

- Rural areas need innovative and locally distinctive business ideas to protect, enhance and diversify the rural economy.
- Neighbourhood Plans might effectively engage with relevant Local Enterprise Partnerships.
- Neighbourhood Plans encourage the aspirations of communities, some of which may be financed through Community Infrastructure Levy funding support to parishes.
- Neighbourhood Plans should encourage increased economic activity appropriate to the rural nature of each plan area. It is not a matter of one size fits all, but of development in scale and in keeping with the nature and character of each relevant rural area.

Conclusion

Since its introduction in 2011, neighbourhood planning has gathered momentum and the new Housing Bill aims to 'simplify and speed up the neighbourhood planning system, to support communities that seek to meet local housing and other development needs through neighbourhood planning'.¹⁶

Evidence from research undertaken at the University of Reading strongly suggests that many people, understandably, want to be involved in shaping the future of their own area, and that well conceived planning and engagement tools can help with that process.¹⁷ However, there are some principles that stand out as important to good practice:

- Good Neighbourhood Plans require active partnerships, and in particular it is necessary for local planning authorities to play their part alongside outside professional support for community planning teams.
- If Neighbourhood Plans are to successfully pass the referendum stage and be politically acceptable, their preparation cannot and should not be rushed, in contrast to Government wishes to speed up the process.
- Neighbourhood Plans can be seen, alongside their predecessors in Parish Plans and Village Design Statements, as valuable catalysts for bringing rural communities together to take some responsibility for the future development of their area.

A recent analysis of Neighbourhood Plan referendum results has found a wide range of voter turnout – between 11.2% and 68.7%, with an average of 32%, which is broadly in line with local election turnouts. Developers seem more concerned over Neighbourhood Plans coming forward ahead of a Local Plan but with a light-touch examination system.¹⁸ The Home Builders Federation would like to see a two-tier system for Neighbourhood Plans, with greater scrutiny for draft

documents.¹⁸ This may not fit easily with the Government's wish to speed up the neighbourhood planning process.

Until the recent rebalancing of Neighbourhood Plans by the courts,¹⁹ the relationship between Neighbourhood and Local Plans was becoming increasingly blurred and difficult to disentangle. According to the NPPF, Neighbourhood Plans must

'There is a feeling that it would help enormously if the enthusiasm and effort that is being channelled into Neighbourhood Plans could also be channelled into Local Plans'

conform with Local Plans 'and thus be the local expression of the last and most detailed stage of the planning processes for a local authority area'.²⁰ According to David Lock,²⁰ recent decisions on planning appeals were ranking Neighbourhood Plans as superior, and in some cases the model to which Local Plans must conform! It is clear that DCLG and the Government need to reconsider this very carefully before clarifying matters to the planning profession, not least to prevent decisions being overturned by the courts. There is an opportunity here for the recently created Local Plans Expert Panel.

While Neighbourhood Plans may be proceeding reasonably well for participating communities,²¹ there remains a significant need for greater understanding and appreciation of them by planning professionals – particularly those engaged by local planning authorities and with responsibility to help support local communities in preparing their Neighbourhood Plans.

How are the growing number of freestanding Neighbourhood Plans within a local authority to be effectively joined up, and how will they fit in with those of adjacent local authorities? There is a feeling that it would help enormously if the enthusiasm and effort that is being channelled into Neighbourhood Plans could also be channelled into Local Plans, which are expected to be up to date and in place by early 2017, and with which Neighbourhood Plans are going to have to be successfully dovetailed.

While rural areas might be seen as currently leading the way, their experience can generally translate to urban areas and to a growing number of Neighbourhood Plans emerging from urban Neighbourhood Forums. There will be interesting, challenging and perhaps even conflicting times

ahead for both local and neighbourhood planning over the next few years.

● **David Alexander** is a freelance planning consultant based in Morecambe, and **Professor Gavin Parker** is Professor of Planning Studies at the University of Reading. This article draws on the proceedings of a one-day CPD event convened by the North West RTPI on rural neighbourhood planning, 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?', held in Kendal in June 2015. The authors wish to pass on thanks to all the contributors at that event. The views expressed here are personal.

Notes

- 1 T. Pain: 'It's planning, captain, but not as we know it...'. *Town & Country Planning*, 2015, Vol. 84, Jun./Jul., 262-3
- 2 *Neighbourhood Planning: Plan and Deliver?* Turley, Mar. 2014. www.turley.co.uk/sites/default/files/uploads/news/Turley_%20Neighbourhood%20Planning_March_2014.pdf
- 3 *Village Design*. Advisory Booklet. Countryside Commission, 1996
- 4 *Parish Plans*. Countryside Agency, 2004
- 5 *Operation of the National Planning Policy Framework*. HC 190. Fourth Report of Session 2014-15. House of Commons Communities and Local Government Committee. TSO, Dec. 2014. www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/report-national-planning-policy-framework
- 6 G. Parker: 'Engaging neighbourhoods: experiences of transactive planning with communities in England'. In N. Gallent and D. Ciaffi (Eds): *Community Action and Planning*. Policy Press, 2014, pp.177-200
- 7 J. Green: 'Neighbourhood Plans: national picture'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 8 G. Parker *et al.*: *User Experience of Neighbourhood Planning in England Research*. Locality, Oct. 2014. <http://mycommunity.org.uk/wp-content/uploads/2015/07/User-experience-executive-study.pdf>
- 9 G. Parker: 'User experience of neighbourhood planning'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 10 C. Weaver and G. Spencer: 'Neighbourhood planning: Tattenhall and District Parish Council'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 11 D. Crosby: 'Dore Neighbourhood Plan'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 12 Planning Policy Guidance: 'Neighbourhood Planning'. Para. 044. <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/preparing-a-neighbourhood-plan-or-order/>
- 13 M. Brophy: 'Rural Neighbourhood Plans: a work in progress'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 14 *Low Carbon Neighbourhood Planning. A Guidebook*. Centre for Sustainable Energy, Jul. 2015. www.cse.org.uk/news/view/2012
- 15 K. Bailey: 'Neighbourhood Plans in rural areas: emerging issues'. Presentation to 'Neighbourhood Planning. The Rural Context: Are Rural Areas Leading the Way?'. RTPI North West CPD Event, Kendal, Jun. 2015
- 16 *Notes on Neighbourhood Planning. Edition 15*. Department for Communities and Local Government, Jul. 2015. www.gov.uk/government/publications/notes-on-neighbourhood-planning-edition-15
- 17 G. Parker: 'Neighbourhood planning: catalyst and container for community action'. *The Clerk Magazine*, 2015, Sept., 41
- 18 J. Dunton: 'What an analysis of parish plan vote turnouts tells us about public engagement'. *Planning*, 7 Aug. 2015.
- 19 'Balance returns to neighbourhood planning'. Webpage. Turley, May 2015. www.turley.co.uk/intelligence/balance-returns-neighbourhood-planning
- 20 D. Lock: 'Feeling blue?'. *Town & Country Planning*, 2015, Vol. 84, Jun./Jul., 264-5
- 21 G. Parker: 'There goes the neighbourhood'. *The Planner*, 2015, Feb., 30-3

neighbourhood planning and the energy conversation

Ruth Stevenson and Jenny Howard Coles report on a research study that examined the degree to which Neighbourhood Plans are promoting renewable energy development – and the motivations for and barriers to using the neighbourhood planning process in this way

Neighbourhood Plans (legally defined as Neighbourhood Development Plans), introduced under the Localism Act 2011, have been hailed as the ‘essence of the Big Society’¹ – spaces of community engagement and empowerment, through which power can be devolved from the central to the local level. By 2014, 1,300 communities had engaged in neighbourhood planning.²

Of course, there are many critiques of the neighbourhood planning process, such as the real potential for properly devolved power,³ the equity of the citizen engagement taking place, and so on.⁴ However, this article poses the notion that Neighbourhood Plans can be used *positively* as a vehicle for discussing and stimulating the development of community renewable energy projects, which in turn could enhance energy and social resilience in the local area, encourage more equitable representation within community energy projects themselves, and reduce planning friction at the planning application stage.

To further our understanding of the potential in this area, research was carried out for a Master’s thesis (‘Advanced Environmental and Energy Studies’, at the Centre for Alternative Technology’s Graduate School of the Environment) undertaken by one of the authors of this article (Jenny Howard Coles). The research study worked with ten participants from seven of the ‘front-runner’

neighbourhood planning groups to examine both the motivations for bringing renewable energy into the ‘energy conversation’ taking place within the neighbourhood planning process and the barriers that prevented renewable and community energy schemes from being included within Neighbourhood Plans.

Sustainability and neighbourhood planning

It was made clear through the 2011 Budget Statement that Neighbourhood Plans cannot be used to block development, but rather to define new types of development. Even though this may be at odds with local people’s motivations (and there is certainly the potential for Neighbourhood Plans to foster NIMBYism⁵), this statement supports the then Coalition Government’s *Plan for Growth* policy. This pro-growth agenda is, of course, supported through the National Planning Policy Framework (NPPF), which sets out the presumption in favour of sustainable *development*.

The early Neighbourhood Plan guidelines concentrated largely on housing and made no explicit reference to energy or broader concepts related to carbon dioxide emissions, the environment or sustainability. However, Planning Practice Guidance for Neighbourhood Plans,⁶ issued in 2013, lists sustainable development among a number of general requirements of the plan-making

commitment. Under the sustainable development heading, Neighbourhood Plans are required to: *'contribute to improvements in environmental, economic and social conditions or [show that] consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).'* (para. 072)

The primary vehicle for leveraging sustainability into Neighbourhood Plans is still through the NPPF; however, it has been observed during this research that sustainability and the local environment are important, if not central, concepts in many of the draft plans, probably due to the broad planning emphasis on 'sustainable development'.

The MSc thesis research posed the question: 'How could this focus on sustainability be harnessed to stimulate conversations, and potentially start to plan and initiate community energy schemes, via the medium of the Neighbourhood Plan process?'

Community energy and the 'energy conversation'

There are approximately 5,000 community energy groups active in the UK (although some are involved with energy efficiency rather than generation), with at least 60 megawatts of installed energy generation capacity.⁷ Solar PV and onshore wind are the renewable technologies that have shown most growth in recent years in the UK.⁸ The Department of Energy and Climate Change's Community Energy Strategy,⁷ published in 2014, has provided a (long-awaited) framework for supporting community energy generation, as well as energy reduction, management and purchasing, with figures suggesting that:

'by 2020, community electricity could provide between 0.5 GW and 3 GW of installed capacity through solar photovoltaic (PV), onshore wind and hydro projects – representing between 2.2% and 14% of the total capacity of these technologies, and generating between 0.3% and 1.4% of the UK's entire electricity consumption in 2020.' (para. 13)

Planning for community energy schemes has been given rhetorical support through the NPPF, which states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low-carbon sources, and should support community-led initiatives. The 2013 Planning Practice Guidance for renewable and low-carbon energy⁹ specifically encourages community initiatives:

'Local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.' (para. 004)

It also highlights that Neighbourhood Plans provide an opportunity for communities to plan for community-led renewable energy developments. With the additional powers of the 'Community Right to Build' under the Localism Act, there is also potential for community renewable energy schemes to emerge from this process.

The potentially positive benefits of this incorporation are numerous and include:

- **Reduced planning friction:** Local opposition to renewable energy schemes such as wind and solar farms is well documented, and the reasons behind such opposition have been widely examined. Evidence demonstrates that local support often rests upon whether people perceive that they will benefit from a scheme,¹⁰ whether they have influence over outcomes,¹¹ and whether they have trust in the process of development.¹² As a result, many authors have suggested that community-owned generation has the potential to overcome a number of the perceived barriers to renewable energy development. However, these community schemes are also vulnerable to rebuttal at the planning stage, even if they do garner public support¹³ – and can even be divisive should they not be perceived to represent parity and be of benefit to the whole community.¹⁴

There is substantial evidence that engaging communities in more strategic planning, *before* a site is identified and before a planning application is lodged, can further improve planning outcomes¹⁵ and may well enhance the facets of social resilience noted above. This has been successful in countries in which a more participative planning process is in place, such as Denmark and Germany, and has the potential both to overcome some of the issues with trust in the planning system and to engender a better mix of site-appropriate technologies.

- **Contribution to social resilience:** Community renewable energy schemes can deliver social resilience benefits through the process of community involvement itself.¹⁶ As Walker *et al.*¹⁷ note in their analysis of NGO-led community renewables initiatives, 'there was an emphasis on localism and collaboration, on people working together at a local level and through that to achieve greater cohesion, mutual respect and understanding'. While the development of social capital (the bonds and links between individuals and groups) and social resilience are not 'given' for community energy schemes,⁴ the option of developing collaboration, potentially through the neighbourhood planning process, offers an opportunity to enhance social capital.⁵

- **The beginnings of 'energy citizenship':** Going further, decentralisation and stakeholder engagement with the energy delivery system may well result in more resilient energy systems – not

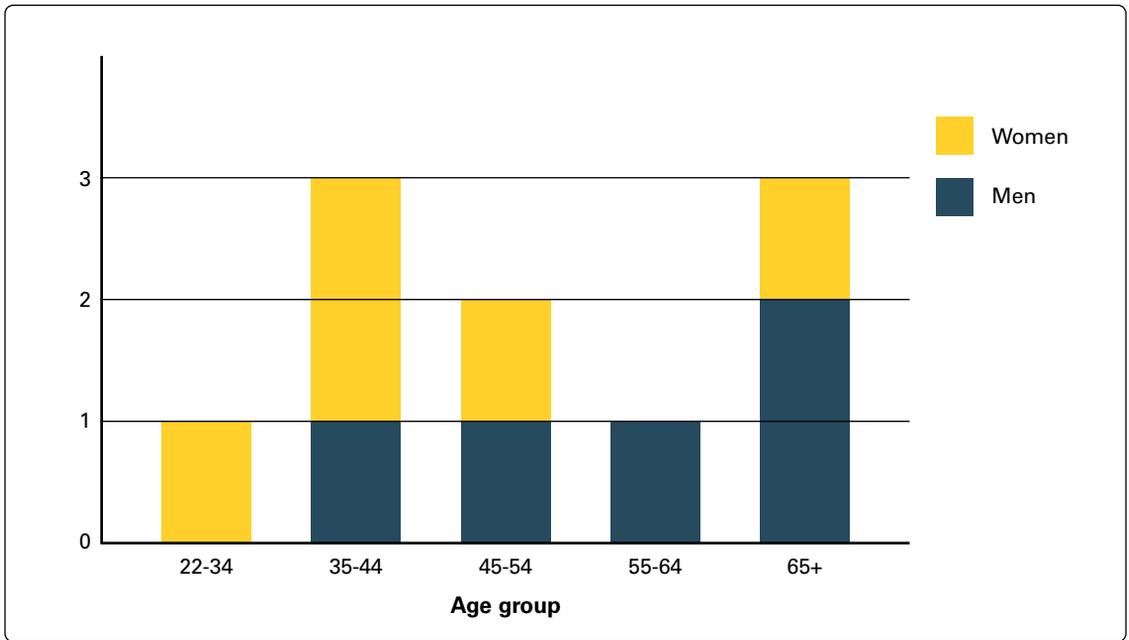


Fig. 1 Study participant demographics

just in terms of decentralised energy generation, but also in terms of civic engagement with energy generation and the ‘knowledge, skills and learning capacity of stakeholders to use indigenous resources for energy service delivery’.¹⁸ This can be an effective step towards ‘energy citizenship’ – a vital part of any future energy strategy.

The research

Incorporation of ‘renewable energy conversations’ into the neighbourhood planning process may well help to ensure that the potential benefits listed above are realised. But to date this has not been tested in practice. Are communities including energy developments in their plan-making activities? If they are, what are the primary drivers for this? And what are the barriers to bringing community energy projects into the neighbourhood planning process; and what factors influence the nature of the ‘energy conversations’ taking place within the neighbourhood planning process? These questions formed the drivers for the Master’s thesis.

The research involved the analysis of seven of the ‘front-runner’ neighbourhood planning groups,¹⁹ selected from London, South East England, South West England, the Midlands, North East England, and North West England, and ranging from the very urban to the very rural. As early adopters, the ‘front-runners’ provide lessons for future groups, and indeed their approaches and assumptions may well be replicated as other Neighbourhood Plans emerge.

The research included an analysis of emerging policies and literature used by the groups, alongside

in-depth interviews with ten participants involved in developing the Neighbourhood Plans, during 2013 and 2014.

The interviews included questions that addressed the particular context, including issues such as demographics, the participant’s role in the plan-making and their existing experience, the key issues addressed by the plan, the weighting of energy issues in the plan, any existing/planned local energy generation scheme, and opinions on energy and sustainability.

Of the ten participants, there were equal numbers of men and women, with a range of ages represented (see Fig. 1). Four participants were volunteers and six were paid staff. The paid staff were split equally between local authority planners and other paid workers/consultants. The ten participants represent seven different plans, with three plans being represented by more than one interview participant. The seven plans include three for urban neighbourhoods and four for small towns and rural areas.

The results of the research study are set out below.

What contributed to a positive inclusion of renewable or community energy within Neighbourhood Plans?

Experience of planning and the use of existing plans

In each of the Neighbourhood Plans studied, the majority of the participants had been involved in local planning a number of times before, with some

groups strongly represented by professional planners. Where there was an emphasis on zero-carbon and sustainability in the plans, such approaches tended to be pushed by the 'planners' or locally based environmental organisations.

Pre-existing environmental agendas and the strength of local authority input

The research provides evidence of individuals and groups using the Neighbourhood Plan to progress pre-existing agendas on energy:

'Quite a number of the people at this meeting already had some enthusiasm and awareness around renewable energy. Yes, it was inevitable that they would put it on the table.' (Participant)

'Probably down to one person in the group who has been a long-standing member of the community in this area and she's got quite a green agenda. She raised it and she really fought for it.' (Participant)

These comments suggest that interest groups or individuals can instigate a subject's inclusion or, presumably, exclusion. Importantly, the participants also noted that a subject may also be included because of the emphasis placed on the issue by the local authority. This raises the importance of the relationship with the local authority planners who may define the subjects raised for discussion. One planner commented:

'Because we were asking specific questions on housing [...] it might have omitted any responses coming forward for renewable energy.' (Participant)

The power of local authority planners in the neighbourhood planning process has been raised as a potentially negative issue. However, should a local authority planner have a sustainability agenda, there may be potential for that to be taken forward by the neighbourhood planning process.

Influence and involvement of environmental groups

There was a strong indication that environmental groups also influenced Neighbourhood Plans, either directly or indirectly. Where environmental groups were involved, the issue of renewable energy and sustainability rose up the agenda. For instance, where a well known sustainability charity was based locally, the members of the plan-making group referred to a 'learning curve' in terms of One Planet Living principles. Where participants talked of 'resilience', it transpired that members of the local Transition group were involved in formulating the Neighbourhood Plan. This may have positive implications for local environmental groups seeking to further their agenda where they are willing to contribute to a wider plan-making process.

National networks also seemed to be having a wider, indirect effect on plan-making groups:

'Low carbon communities and Transition Towns and all these other networks, hundreds and hundreds of groups all over the country [...] fed in rather well to the Neighbourhood Plan scenario.' (Participant)

The study findings suggest that there is an excellent opportunity for established networks to inform future Neighbourhood Plans and shape local planning policies, either directly through engagement with the neighbourhood planning group or indirectly through messages about local sustainability issues.

Motivations related to economic (re)generation and public ownership

Much of the focus on energy generation within the plans in fact stemmed from a desire to find ways to provide economic (re)generation or local ownership. For instance, energy generation was seen as a way of maintaining threatened local assets, such as historic buildings or local facilities. One participant observed:

'Now [...] we run our own swimming pool which has got heat source pumps and things, and solar panels.' (Participant)

Economic issues trumped environmental issues for almost all the neighbourhood planning groups, indicating that a way to ensure that energy issues are included in a Neighbourhood Plan would be to focus on money-saving or income generation, as suggested by arguably the most energy-focused participant:

'What drives this really is the feed-in tariff and the fact that you can be paid to produce renewable energy.' (Participant)

Such concerns linked into the perceived need to retain more local ownership and secure economic returns from potential renewable energy schemes. Five participants suggested that local organisations would be likely to have control and ownership of any renewable energy schemes they pursued, as opposed to supporting commercial schemes.

Motivations related to energy security

A number of groups saw a need to establish a more independent energy supply. One participant said: *'They were definitely concerned about energy security, and where they were going to get their fuel from – you know, their energy from in the future.'* (Participant)

Three participants made reference to a distrust of or dissatisfaction with energy company monopolies and made the link with energy security:

'It's about energy security, because we cannot control at the moment what happens to a large



Martin Stott

A Westmill Solar Co-operative Open Day at Westmill Solar Park

part of our incomes, because it's all going to the Big Six.' (Participant)

However, some participants distanced themselves from such issues, with one commenting:

'It's more of a long-term concern, and more people are very concerned about it – keeping the lights on – and other people don't really see that as affecting them.' (Participant)

Motivations related to climate change

Motivations linked to climate change were complicated. While the data indicated that extreme local weather – such as, for example, 'the Birmingham tornado of 2005' – and flooding may raise the profile of climate change, this did not necessarily lead to greater emphasis on renewable energy generation. One participant summed this up:

'Renewable energy only lends itself to the mitigation, and not the adaptation agenda which may be more pressing for communities experiencing, for example, flooding.'

Motivations related to status and pride

A number of the participants in the neighbourhood planning process mentioned 'pride' in their neighbourhood, and some linked this to renewable energy:

'The community are quite proud of having the first experimental one and now they're likely to get another full-sized test tidal turbine.' (Participant)

Half of the participants referred to a desire to lead the way with new technologies:

'We'd love it if as a result of the Neighbourhood Plan we got some really innovative and exploratory developments [...] in the way of generating energy.' (Participant)

There is some suggestion that achieving status may be as important as carbon-saving:

'We have, or are attempting to move to the status of the first truly sustainable borough.' (Participant)

Connections with energy efficiency

The study results suggest that neighbourhood planning groups were aware of the need to upgrade older housing stock so as to reduce energy bills. Most participants thought that renewable energy developments could help to bring down costs:

'One of the things we are suggesting is providing some sort of district heating network, which will be community-owned and hopefully reduce prices.' (Participant)

However, this connection between energy supply and cost was not always made, which may indicate some missed opportunities in the focus of some plans.

What were the barriers to the inclusion of renewable or community energy within Neighbourhood Plans?

Existing controversial developments in the area

The study results suggest that neighbourhood planning groups can be put off the inclusion of energy generation by the controversial and complex nature of some technologies, or by bad experiences with previous projects:

'They'd basically had their fingers burnt. They'd put a lot of energy into a project which ended up failing [...] That's probably another reason why it didn't come up. They'd already had enough of it.' (Participant)

This highlights a broader challenge for using neighbourhood planning for potentially divisive or complex developments. While local resistance to energy schemes is often down to a lack of control or poor developer consultation, in this case the scheme was community led. Participants suggested that a lot of effort was put into a failed scheme, which indicates that planning guidance needs to be clear about the criteria for success and the benefits deliverable by community-run schemes.

A focus on small-scale/uncontroversial developments and energy efficiency

The study results show that some participants recognise a good fit between small-scale renewables and their communities:

'Nobody's going to build a nuclear power station in [this neighbourhood], nobody's going to build a wind farm in [this neighbourhood], nobody's going to frack for shale gas under [this neighbourhood], I suspect. So we're talking about forms of renewable energy that [...] can be used at a [...] scale of a house or a business, a church.' (Participant)

Participants acknowledged that it is expensive and complex in terms of planning to get community energy schemes off the ground:

'Community-led schemes of a larger scale are particularly difficult to get going; you have to incorporate a community-owned legal structure, you have to business-plan, you have to raise money. And then you have to deal with the planning.' (Participant)

Participants cited firm rationales for and against technologies, with some, perhaps inevitably, ruling out large-scale wind:

'We're not that sort of place.' (Participant)

'While the Neighbourhood Plan itself may not instigate community renewable energy schemes, meeting to work on policies raises important issues for the community about resources and how best to use them. It may also engender future local action on community energy'

Rationales differ, and often were not informed by professional opinion on feasibility, implying that communities need better information and/or professional support to engender a constructive,

realistic approach to renewables if they are to make the most of local resources in a strategic way.

Control and ownership of the neighbourhood planning process

One might question how well communities can take advantage of localism's new freedoms in the face of budget cuts, a view echoed by participants: *'On the one hand the Government puts these high expectations on local communities but then on the other hand does not fund it adequately.'* (Participant)

This, along with the stance of the local authority, may be a deciding factor for community energy schemes and other community developments:

'Localism doesn't mean what it seems to be [...] it's still got to go through an authority.' (Participant)

Incomplete Local Plans and guidance

At the time the research was undertaken there was little guidance on the issues that Neighbourhood Plans should cover. Some participants felt the guidelines were 'broad' and 'vague'. Others argued that the Neighbourhood Plan was about the wishes of the community and so specific guidelines were not appropriate. Interestingly, one participant suggested that the inclusion of subjects like renewable energy was implicit rather than explicit. One group noted that:

'We look to [X] County for a lead and [X] County hasn't given us a lead, so we are looking at [Y County's] plan, their masterplan for renewables.' (Participant)

Certainly this does not imply a consistent approach or opportunity for neighbourhood planning groups. A member of one group explained why the group were reluctant to include renewable energy strongly in their plan:

'The document's main aim is to further support the regeneration of the area [...] by putting lots of energy efficiency and renewables kind of extra constraints in, it would put off developers.' (Participant)

This lack of guidance is further compounded by the incomplete nature of many Local Plans.¹⁸ The research highlights neighbourhood planning groups' struggles to balance the emerging needs of both levels of plans at the same time.

Conclusion and recommendations

The research indicated that while the Neighbourhood Plan itself may not instigate community renewable energy schemes, meeting to work on policies raises important issues for the community about resources and how best to

use them. It may also engender future local action on community energy. However, a number of recommendations on how such action can be encouraged can be made as a result of the research:

- Perhaps not surprisingly, local authority planners are well placed to influence Neighbourhood Plans. While their influence as local authority officers should be used with caution and their function should be limited to providing information and appropriate decision-making, they can also play an important role as individual members of the plan-making group. Where they are motivated by the sustainability agenda, they can provide a primary focus, with a planner's understanding of the relationship between local aspirations and the wider concerns of the environment and climate change.
- We should acknowledge that the participants in the neighbourhood planning process are often concerned with local characteristics, local identity and the promotion of valued local assets, with a pride in their neighbourhood and local identity or assets often playing a vital motivating factor. Groups could also be encouraged to see community energy as an opportunity to support or protect local assets, through the ability of energy generation to save on bills and generate an income. Linking sustainability goals and community energy generation with these local characteristics would enhance their relevance to the plan-making process. The Government could play a part in this – perhaps, for example, by rewarding groups' efforts towards sustainability goals through an award scheme.
- Environmental groups with a local agenda should get involved in the formulation of Neighbourhood Plans to ensure that environmental issues are raised and initiatives are given fair consideration.

Information should be offered to neighbourhood planning groups and forums on the technological, planning and legal requirements of community energy generation schemes, as well as on wider infrastructure and energy issues.²⁰ This would help to ensure that complex issues such as climate mitigation, adaptation and energy supply are tackled and that all sizes and types of renewable technology are considered.

Recent changes to planning requirements mean that permission will now be granted for onshore wind turbines only where a site has been allocated in a Local or Neighbourhood Plan. While it is clear that these changes are having an overwhelmingly negative impact on the wind industry, it remains to be seen what reactions and outcomes we will see when a site allocation for wind power is first included in a draft Neighbourhood Plan. Meanwhile,

proposed cuts of up to 87% in feed-in tariff support for solar power look likely to hit community energy groups hard, undermining the viability of many planned projects. This said, as costs fall, future opportunities for community energy to support local development (including a diversifying range of technologies) may still offer a unique opportunity to neighbourhood planners.

● **Dr Ruth Stevenson** is a Senior Lecturer in the Graduate School of the Environment at the Centre for Alternative Technology, Machynlleth, and a private environmental consultant to the renewable energy industry. **Jenny Howard Coles** works in Plymouth City Council's Low Carbon Team and as an Advisor to Plymouth Energy Community. She carried out the research as part of her MSc in Architecture: Advanced Environmental and Energy Studies, at the Centre for Alternative Technology. The views expressed are personal.

Notes

- 1 *A Plain English Guide to the Localism Act*. Department for Communities and Local Government, Nov. 2011. www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf
- 2 *Notes on Neighbourhood Planning. Edition 13*. Department for Communities and Local Government, Jan. 2015. www.gov.uk/government/publications/notes-on-neighbourhood-planning-edition-13
- 3 J. Stanton: 'The Big Society and community development: neighbourhood planning under the Localism Act'. *Environmental Law Review*, 2014, Vol. 16 (4), 262-76
- 4 J.J. Park: 'Fostering community energy and equal opportunities between communities'. *Local Environment*, 2012, Vol. 17 (4), 387-408
- 5 N. Holman and Y. Rydin: 'What can social capital tell us about planning under localism?'. *Local Government Studies*, 2013, Vol. 39 (1), 71-88
- 6 'The basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum'. Planning Practice Guidance. <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/sustainable-development/>
- 7 *Community Energy Strategy: Full Report*. Department of Energy and Climate Change, Jan. 2014. www.gov.uk/government/uploads/system/uploads/attachment_data/file/275163/20140126Community_Energy_Strategy.pdf
- 8 J. Hayward: 'Focus UK: The state of renewable energy 2015'. *Renewable Energy Focus*, 6 May 2015. www.renewableenergyfocus.com/view/42156/focus-uk-the-state-of-renewable-energy-2015/
- 9 Planning Practice Guidance: 'Renewable and low carbon energy'. Department for Communities and Local Government. <http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/developing-a-strategy-for-renewable-and-low-carbon-energy/>
- 10 C.R. Jones, B.J. Orr and J.R. Eiser: 'When is enough, enough? Identifying predictors of capacity estimates for onshore wind-power development in a region of the UK'. *Energy Policy*, 2011, Vol. 39(8), 4563-77; and

- E. Shove and G. Walker: 'What is energy for? Social practice and energy demand'. *Theory, Culture & Society*, 2014, Vol. 31 (5), 41-58
- 11 C. Gross: 'Community perspectives of wind energy in Australia: The application of a justice and community fairness framework to increase social acceptance'. *Energy Policy*, 2007, Vol. 35 (5), 2727-36; and C. Warren and M. Mcfadyen. 'Does community ownership affect public attitudes to wind energy? A case study from south-west Scotland'. *Land Use Policy*, 2010, Vol. 27 (2), 204-13
- 12 A. Dimitropoulos and A. Kontoleon: 'Assessing the determinants of local acceptability of wind-farm investment: A choice experiment in the Greek Aegean islands'. *Energy Policy*, 2009, Vol. 37 (5), 1842-54; and G. Walker, P. Devine-Wright, S. Hunter, H. Helenhigh and B. Evans: 'Trust and community: Exploring the meanings, contexts and dynamics of community renewable energy'. *Energy Policy*, 2010, Vol. 38 (6), 2655-63
- 13 For example, Laddock Parish's 500 kilowatt community wind turbine was rejected by Cornwall County Planning committee in 2014, despite officer recommendation for approval and 56% local support
- 14 G. Walker and P. Devine-Wright: 'Community renewable energy: What should it mean?'. *Energy Policy*, 2008, Vol. 36 (2), 497-500
- 15 P. Devine-Wright: 'Local aspects of UK renewable energy development: exploring public beliefs and policy implications'. *Local Environment*, 2005, Vol. 10 (1), 57-69
- 16 K. Chmutina, G. Sherriff and C.I. Goodier: 'Success in international decentralised urban energy initiatives: a matter of understanding?'. *Local Environment*, 2014, Vol. 19 (5), 479-96; and E. Bomberg and N. McEwen: 'Mobilizing community energy'. *Energy Policy*, 2012, Vol. 51 (12), 435-44
- 17 G. Walker *et al.*: 'Trust and community' (see note 13)
- 18 G. O'Brien and A. Hope: 'Localism and energy: Negotiating approaches to embedding resilience in energy systems'. *Energy Policy*, 2010, Vol. 38, 7550-58
- 19 To stimulate the generation of Neighbourhood Plans, in 2011 17 initial 'front-runners' were given funding of £20,000 each by the Department for Communities and Local Government to support work on neighbourhood planning
- 20 This type of guidance is now available in *Neighbourhood Planning: A Guidebook*. Centre for Sustainable Energy, Sept. 2015. www.cse.org.uk/news/view/2012

Training from the Planning Advisory Service

PAS training events for local authority officers:

New Technical Standards for Housing

5 November, Bristol

Energy, access, water, space standards for housing... this has all changed recently. If you're unclear what this means, then come to our event to hear from speakers in the know.

Enforcement

4 November, Bristol

10 November, Birmingham

12 November, Leeds

17 November, London

We are delivering a series of events introducing a new advice note on some of the key tools at the disposal of Enforcement services. These events will include an opportunity to discuss the tools in detail.

PAS 'Planning Leadership Essentials' training events for local government councillors:

The New Government and Planning

14-15 November

Currently full – waiting list only

Updating Local Plans

2-3 December

Leading Planning Services

16-17 January

The 'Planning Leadership Essentials' courses are residential, held at Warwick Conference Centre and are fully subsidised.

For further details on all these training courses, see <http://www.pas.gov.uk/events;jsessionid=A9B05868833D03D255458517929ED130.tomcat2>



Email: pas@local.gov.uk
Telephone: 020 7664 3000

the rise and rise of viability assessment

Viability assessment adds a layer of distrust to the already difficult and complex relationship between developers, local authorities and communities – and threatens to undermine sustainability considerations, say **Bob Colenutt, Allan Cochrane and Martin Field**

The rise and rise of financial viability assessment in the UK planning system has been one of the most fundamental changes in UK planning. It has wide-ranging, and mainly negative, implications for the sustainable development goals of planning cited in the National Planning Policy Framework (NPPF). It has also reinforced the asymmetry in the relationship between the property industry on the one hand and local authorities and the communities they serve on the other.

It is not news that town planning and housing in the UK have become steadily more deregulated and marketised over the last 30 years.^{1,2} It is also the case that during the 2000s there was a period of restraint due to popular and governmental concern for sustainable development which gave environmental and social issues more prominence in planning decisions. However, this shift in emphasis went into reverse after the recession and changes in government policy since 2010, both of which gave pre-eminence to economic factors over all others.³ Financial viability has now emerged as a decisive planning issue which has ever stronger prominence and influence.

Housing growth and viability

Viability assessment is not new. It was always part of the calculations made by developers and landowners in formulating their development schemes. But until the late 2000s the viability of development projects was not subject to routine assessment by local planning authorities. It was not a material consideration in determining planning applications or planning obligations, nor, as far as

the public was concerned, was it part of public consultation over Local Plans. Plan-making and development control were determined by planning policy, irrespective of the commercial constraints placed on development proposals. In effect, if an approved policy precluded a particular form of development or imposed a condition which a developer thought made a development proposal unviable, the developer had to revise the scheme accordingly or go elsewhere.

Nevertheless, broad assessments of the profitability of major development or regeneration schemes were an important part in the negotiations between landowners, developers and local authorities. There was no formal assessment process but such assessments formed a background to policy and planning strategy.

This background role was evident in our recent study of housing growth during the period of the central government Sustainable Communities Plan, 2003-10.⁴ Interviews with developers, local authority officers, politicians and officers of local development agencies showed how, alongside a rhetoric of sustainable development, profitability and viability considerations critically framed the prospects for sustainable housing growth in the Milton Keynes and Northamptonshire growth region.

On the one side, the Sustainable Communities Plan assumed that rising land values would provide sufficient levels of profit for developers and landowners to cross-subsidise the infrastructure, community facilities and low-carbon design necessary to enable new development to be sustainable, i.e. to create 'sustainable communities'.

This strategy was arrived at without scrutiny of the business models of the property sector, and without interrogation of the willingness of the sector to collaborate on major housing growth programmes which relied on cross-subsidy, i.e. their willingness to share their profits with the public sector. But in policy terms, it almost magically seemed to offer the prospect of delivering material and social infrastructure without the need for increased state spending.

On the other hand, the volume housebuilders who were expected to deliver sustainable communities in the four Growth Areas designated under the Sustainable Communities Plan made a quite different set of calculations from those underpinning central government plans. As far as they were concerned, the assumption of cross-subsidy was misconceived, or at least so generalised as to be of little use in practice. Their first priority was to achieve a profit benchmark for their shareholders overall, as well as on a site-by-site basis, and there were only limited opportunities for significant cross-subsidy.

Although developers were required in principle to adhere to local authority policies and standards for sustainable development, their view was that sustainability measures such as requirements for affordable housing were highly risky because, as indicated above, they reduced land value. The level of land value is the key variable for developers. They take their own profit from the scheme, while negotiation with the landowner sets the land value, which determines the amount that can be distributed as non-profit planning obligations. In many cases, neither landowners nor housebuilders were willing to agree to specific sustainability measures unless there was additional government subsidy or relaxation of the sustainability policies themselves.

Thus, during the period of the Sustainable Communities Plan the goal of sustainable housing development was in conflict with the viability of new housing development, and hence many sustainability measures were not delivered – and this became even more evident as the recession of the late 2000s intensified.

Typical quotes made by developers in our study included:

'There is nothing about the word 'sustainable' that changes the criteria for development.'

'The sustainability agenda is supposed to be about better outcomes. It's delivered through a combination of planning and building regulations. They are an additional cost item on the industry. It's a given [that] the industry adapts to the regulatory burden, and it is reflected in the value of the house. Others should comment on whether it cost effective: is it viable? Will a

purchaser pay the additional cost? I don't know, but there is a significant cost of compliance.'

Thus, prior to 2012, viability calculations were the background to negotiations over sustainability between developers and local authorities. Although details were invisible to the public and often even to planners, there was a shared assumption among developers and local authorities that risks to viability resulting from planning conditions and obligations were a constraint on the delivery of fully sustainable development. Planning policies were not directly challenged or altered on the basis of viability considerations, but delivery of sustainable communities was affected. Local authorities were often prepared to reduce their affordable housing requirements to get development on site.

Formal viability assessment post-2012

With the publication of the NPPF,⁵ viability assessment moved to the foreground. The NPPF emphasised the central aim of 'deliverability' and made viability assessment a requirement both for Local Plan policies and for testing the validity of local authority planning obligations, particularly affordable housing obligations:

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.' (NPPF, para. 173).

The definition of viability in the NPPF was expressed firmly in commercial terms:

'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and developer to enable the development to be deliverable.' (NPPF, para. 173).

From this point on, the technical aspects of viability became of central concern to both the development industry and local authorities. Viability toolkits (such as that developed by consultants Three Dragons⁶) became commonplace, with some local authorities customising their own toolkits. An industry of property consultants and surveyors sprang up offering their services on the use of toolkits for both local authorities and developers. Yet there was no agreement over the methodology or practice of viability assessment. The standard industry model employed the residual valuation

method. This compared total scheme development costs with the scheme's final development value to predict a residual land value, which was used to indicate whether there was enough surplus land value (after the landowner and developer had taken their share) to allow planning obligations such as for affordable housing to be met.

It is inevitable that many developers will use lower-range house prices and rents and higher-range construction and finance costs in their models to suggest that land value is insufficient to meet local authority planning requirements. There are no rules to standardise costs or place checks on these practices, allowing developers to input data into viability models that best meet their case. The London Borough of Islington argues that viability assessments are often deliberately pessimistic, undervaluing development schemes so it appears that planning obligations would make their schemes unviable.^{7,8}

Many schemes proceed on the basis of a 12-15% rate of return. The importance of this difference is that in the viability model the developers' profit is factored in as a cost to the scheme. Hence the higher the developer profit, the lower the land value, and so less land value is available to distribute as planning obligations. The 20% convention deprives local authorities and communities of very large numbers of affordable housing units delivered through planning obligations.

Where developers use an internal rate of return over the lifetime of the project this too can be subject to manipulation. As the London Borough of Islington's recent draft Supplementary Planning Document on development viability notes,⁹ developers can load in their costs at the beginning of the project to make the internal rate of return appear lower than it is in reality.

The sensitivity of viability models to differences in input data and assumptions produces a wide range



Although sustainable development is still given prominence in the NPPF, it is 'in practice now subordinated to financial viability'

Perhaps the most controversial issue is that there are no guidelines or benchmarks to indicate what would constitute the NPPF's 'competitive return to a willing landowner or developer'. With wide differences in the profit levels and internal rates of return expected by developers in different parts of the country, viability assessments are subjective and unreliable.

For example, most viability assessments posit a 20% profit for developers as a conventional measure of their expected margin. Yet this figure is at the top end of developer calculations, suggesting erroneously that developers will not start a development where there is a lower rate of return.

of possible land values and viabilities for a given site. Yet in practice this sensitivity analysis is either not undertaken as part of the assessment or, if it is, it is not made public. Usually just one residual land value is presented for a site, or one profit figure, with no analysis of the range or sensitivity of predicted values. Thus, as McAllister and others who have written extensively on viability modelling have concluded,¹⁰ the NPPF guidance on viability led to a fundamental change in planning policy without a robust or consistent methodology to back it up.

Yet this flaw in the assessment methodology is not the most important element in the NPPF

viability policy. The key shift in emphasis is that for Local Plans to be deemed sound they have also to be deemed viable. And secondly, in relation to planning obligations, viability (however measured) can override other planning considerations such as housing mix, urban design, or environmental sustainability.¹¹ The broader conclusion is that the ‘presumption in favour of sustainable development’ favoured by the NPPF is increasingly interpreted in practice as a presumption in favour of viability.

In other words, if developers are able to show through a viability assessment that the planning standards or obligations of a local planning authority make their scheme unviable, they are able to seek exemptions from or modifications of the planning requirements – and if these modifications are refused they will be able to appeal to the Secretary of State and can be expected to obtain an approval, in spite of the evident variation in the measurement of viability. The balance between economic, social and environmental factors in planning has been radically changed.

Viability assessment and affordable housing

The most controversial implication of viability assessment is its impact on local authority affordable housing policies that make use of section 106 agreements. This refers to a local authority planning requirement for a standard percentage of affordable housing from developments of more than ten housing units. Given that for most local authorities this had become the principal means by which affordable housing could be delivered, it is of major concern. Many local authorities require 30-40% of all new housing on large sites to be affordable, i.e. sub-market housing usually bought and managed by a housing association.

‘The balance between economic, social and environmental factors in planning has been radically changed’

From the landowners’ point of view, any reduction in the maximum amount of market housing on their site reduces the price of their land and reduces their incentive to sell to a developer. The developer, on the other hand, is not usually willing to reduce profitability, and will move to another site from which the benchmark profit level can be achieved.

Thus, together, developers and landowners aim to minimise the percentage of affordable units as far as possible; and viability assessment provides a means for them to do this. If they can show that the value of a completed development with the

required policy percentage of affordable housing minus the costs of the scheme produces a land value that is below their profit benchmark, the scheme can be deemed unviable. Under the NPPF, the planning authority will then be required to reduce its planning obligations for affordable housing until they reach the benchmark of the developer.

Local authorities and viability

Viability assessment places local authorities in a major dilemma, because policies for planning obligations for a Local Plan area become readily challengeable. With high profit benchmarks, developers can argue successfully in many cases that local authority affordable housing obligations make their schemes unviable. Given the high level of profit demanded, policy-compliant schemes can be deemed unviable in low- to medium-demand areas, and even in property hot-spots such as Central London or Oxford.

National Planning Practice Guidance advises local authorities to develop an evidence base of market information, to collaborate with developers and landowners, and to ensure that they have ‘a comprehensive and consistent understanding of viability across their areas’. However, most local authorities do not have the level of technical resources needed to develop such a comprehensive evidence base, or to challenge the well funded technical and legal teams fielded by big developers.

Local authorities employ consultants to undertake independent assessments to check developer viability claims – yet there is a question mark over the use of consultants, who typically work for developers as well as local authorities. Furthermore, consultants do not usually interrogate the assumptions and conventions of the viability models because these conventions, embodied in RICS guidance, are an accepted part of valuation practice. Community groups in London – in Southwark and Greenwich – have argued that the independent assessments of developer models do not adequately challenge the data and assumptions, leading to substantial losses of affordable housing.^{12, 13}

There are further reasons why in some cases local authorities do not undertake a full interrogation of developer viability assessments. Local authorities often believe that if they contest the developer case, they will be faced with a costly planning appeal which they are quite likely to lose because of the wording in the NPPF. Or that if they do not compromise on their affordable housing targets, nothing will get built and sites will remain derelict, with consequent negative political outcomes.

With some exceptions – where there are high-profile Homes and Communities Agency funded development schemes, for example – there is indeed little prospect that central government will

step in and fill the viability gap for affordable housing or other planning obligations. This can leave local authority planning policies in disarray. Faced with challenges on viability grounds, local planning policies cannot be consistently applied across a Local Plan area; and each successful challenge becomes a precedent for the next. Any alternative policy on affordable housing percentages is likely to meet challenges in similar fashion.

The relationship between local authorities and developers is often characterised as adversarial, and on the face of it viability assessment makes things a lot worse. However, as indicated above, the relationship is complicated, because local authorities want to do deals with developers or landowners on major sites and regeneration areas and they often seek a partnership which can deliver a range of outcomes over the long term – for example, opening up development land, fostering regeneration or growth, making environmental improvements, or achieving certain urban design objectives. In this context, the process of negotiation may lead to the emergence of what looks more like a shared agenda, in which one set of planning goals and planning obligations is traded against others, often with some obscuring of the winners and losers.

Local communities and viability

There is a strong NIMBY sentiment in many housing growth areas, but where opposition is more muted the promise of high-quality development or the creation of ‘sustainable communities’ can potentially make new development more palatable. This was certainly the hope of the planners in the Milton Keynes-South Midlands Growth Area. One of the common complaints of residents presented with plans for new urban extensions is that they do not believe the development will be ‘infrastructure-led’; i.e. the promised community facilities will probably never materialise. Indeed, in many cases local people’s experience has been that sustainability measures were compromised – as, for example, in the case of the Upton development in Northampton, where an ‘exemplary’ sustainable communities scheme on land developed by English Partnerships was unable, even after ten years, to deliver an essential medical centre and local shops.

These concerns are sharpened in the context of the NPPF, which undermines requirements for new development to be of high quality or delivered with a full range of social and other infrastructure.

Sustainability measures in Local Plans are being regularly challenged by the new viability assessments, with developers – even in 2015 – ‘pleading poverty’.¹⁴

On top of this, the details of viability assessment are often concealed by confidentiality clauses, preventing communities and even local councillors from having the opportunity to challenge developer sums. Many of the recent Freedom of Information

appeals concerning viability assessment centre on the veracity of the claims that ‘open book’ assessment will breach ‘commercial confidentiality’ and cause ‘commercial harm’. Viability reports are routinely published with redactions covering critical issues of profitability benchmarks, projected house prices, and costs of finance.¹⁵

‘Faced with challenges on viability grounds, local planning policies cannot be consistently applied across a Local Plan area; and each successful challenge becomes a precedent for the next. Any alternative policy on affordable housing percentages is likely to meet challenges in similar fashion’

Exposure of these critical data to the public allows communities to judge whether the local authority is doing its job in interrogating viability reports. Hiding the data increases the suspicion that developers and local authorities are doing ‘private’ deals behind the backs of communities that have engaged in good faith in extensive consultations over local authority affordable housing policies, but are now finding these policies compromised without proper public scrutiny.

Yet there is a further complication, as suggested above. Some local authorities have agreed to confidentiality clauses over viability assessment, as in the much publicised examples of the Heygate redevelopment in Southwark and the Greenwich Peninsula development.¹³ The lack of transparency over viability in these cases was compounded by the local authorities’ shortcomings in interrogating the viability assessments, resulting in needless loss of affordable housing.

The upside to these controversies is that some local authorities have become more alert to the danger of having rings run round them by viability consultants. Hence a recent report from the London Borough of Hackney on viability and affordable housing¹⁶ concludes that developer assumptions about levels of profit should be challenged and that there should be full disclosure of viability reports. Other councils (such as Southwark and Greenwich, following the Heygate in Southwark and the Greenwich Peninsula controversies, and potentially the Greater London Authority) are now considering making all viability assessments fully ‘open book’.

Conclusions

Viability assessment adds a layer of distrust to the already difficult and complex relationship between developers, local authorities and local communities over housing growth. Sustainable development, although still given prominence in the NPPF, is in practice now subordinated to financial viability. This was informally the case before the NPPF but has now been formalised and given legislative force. It makes all aspects of planning for housing growth even more contested – with the balance of housing mix, urban design, and community infrastructure and other sustainability measures under threat. The key question is: how can the public possibly participate on equal terms in plans for growth and sustainability when technical viability assessment is embedded in almost every key decision?

● **Dr Bob Colenutt** is Head of Research and **Dr Martin Field** is a Researcher and Senior Lecturer with the Institute for Urban Affairs at the University of Northampton.

Professor Allan Cochrane is Professor of Urban Studies at The Open University in Milton Keynes. This article draws on work undertaken as part of a project supported by the Economic and Social Research Council, 'Tensions and future prospects for sustainable housing growth. A case study of Northamptonshire and Milton Keynes', ES/I038632/1. Thanks are also due to the 35% Campaign in Southwark, and Peter Redman of the Highbury Housing Group. The views expressed are personal.

Notes

- 1 N. Taylor: *Urban Planning Theory since 1945*. Sage Publications, 1998
- 2 P. Allmendinger: *Planning Theory*. Palgrave MacMillan, 2002
- 3 *The Plan for Growth*. HM Treasury and Department for Business, Industry and Skills. HM Treasury, 2011. www.gov.uk/government/uploads/system/uploads/attachment_data/file/31584/2011budget_growth.pdf
- 4 A. Cochrane, B. Colenutt and M. Field: 'Governing the ungovernable: spatial policy, markets and volume house-building in a growth region'. *Policy & Politics*, 2015 (in press). www.ingentaconnect.com/content/tpp/pap/pre-prints/content-PP_042
- 5 *National Planning Policy Framework*. Department for Communities and Local Government, Mar. 2012. www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- 6 *Using the Three Dragons Toolkit to Demonstrate the Viability of Individual Schemes*. Three Dragons. www.three-dragons.co.uk/ThreeDragonsToolkit.pdf
- 7 D. Douglas: 'Islington's planning backlash at developer 'super-profits''. *Inside Housing*, 1 Oct. 2014. www.insidehousing.co.uk/islington-planning-backlash-at-developer-super-profits/7005936.article
- 8 *Draft Development Viability Supplementary Planning Document*. London Borough of Islington, Jul. 2015. [www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2015-2016/\(2015-07-09\)-Development-Viability-SPD-Consultation-Draft-\(July-2015\).pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2015-2016/(2015-07-09)-Development-Viability-SPD-Consultation-Draft-(July-2015).pdf)
- 9 *Draft Development Viability Supplementary Planning Document* (see note 8), para. 6.28
- 10 P. McAllister, E. Street and P. Wyatt: *Inside the Black Box: Unravelling the Development Viability Process*. Working Paper in Real Estate and Planning 12/13. Henley Business School, University of Reading, 2013. <http://centaur.reading.ac.uk/35154/>
- 11 *Section 106 Affordable Housing Requirements: Review and Appeal*. Department for Communities and Local Government, Apr. 2013. www.gov.uk/government/uploads/system/uploads/attachment_data/file/192641/Section_106_affordable_housing_requirements_-_Review_and_appeal.pdf
- 12 See the 35% Campaign blog, at <http://35percent.org/>
- 13 See N. Mathiason and C. Eriksson: 'Dismay Doesn't Do It Justice': How a Secret System Was Used to Axe Hundreds of Affordable Homes on Britain's Most Iconic Construction Site. Bureau of Investigative Journalism, 26 May 2015. www.thebureauinvestigates.com/2015/05/26/dismay-doesnt-do-it-justice-how-a-secret-system-was-used-to-axe-hundreds-of-affordable-homes-on-britains-most-iconic-construction-site/; and O Wainright: 'Revealed: how developers exploit flawed planning system to minimise affordable housing'. *The Guardian*, 25 Jun. 2015. www.theguardian.com/cities/2015/jun/25/london-developers-viability-planning-affordable-social-housing-regeneration-oliver-wainwright
- 14 N. Spoors: 'Developers in Northamptonshire 'too often plead poverty' over money for cheap housing, firefighters and libraries'. *Northampton Chronicle & Echo*, 18 Jun. 2015. www.northamptonchron.co.uk/news/local/developers-in-northamptonshire-too-often-plead-poverty-over-money-for-cheap-housing-firefighters-and-libraries-1-6803824
- 15 B. Colenutt: *Viability Assessment and Freedom of Information*. Paper for the Information Commissioner's Office. University of Northampton, Feb. 2015 (see also B. Colenutt: *Viability Assessment and Freedom of Information*. Paper for Highbury Group, 20 Apr. 2015. www.westminster.ac.uk/__data/assets/pdf_file/0005/366890/Highbury-Group-Viability-Assessment-and-Freedom-of-Information-1.pdf); and O Wainright: 'Revealed: how developers exploit flawed planning system to minimise affordable housing' (see note 13)
- 16 *Report of the Living in Hackney Scrutiny Commission*. London Borough of Hackney, 2015. www.hackney.gov.uk/Assets/Documents/New_Residential_Development_and_Affordable_Housing_Gain_-_Final_Report.pdf

housing - location matters

It is the spatial pattern of recent population growth that has exacerbated housing inequality, by adding to the pressures in already crowded areas, argues James Gleeson

Writing in the May 2015 issue of *Town & Country Planning*, Allison Quick and Dick Watson¹ argue that housing policy should focus less on building new homes and more on how to better distribute those we already have. I am in enthusiastic agreement with some of their proposed solutions to solving our housing problems, such as more social housing provision and a less regressive system of property taxation, but I believe their opposition to new market housing is misconceived and, if carried through to policy, would make matters worse rather than better.

Quick and Watson base their argument on research by Becky Tunstall² into the distribution of housing space (measured in terms of rooms per person) in England and Wales over the century between 1991 and 2011 as revealed by the decadal Census. Tunstall's findings illustrate profound changes over this period in how people were housed, which can be briefly summarised as follows. First, from 1911 there was a long period of absolute gains in housing space across the board but particularly at the lower end of the distribution, so that according to some inequality measures the distribution of housing space became more equal.³ This trend lasted until roughly the 1980s, after which the housing stock continued to grow but the space available to the least well-housed tenth of the population (again, defining space as rooms per person) did not rise at all, resulting in a more unequal distribution.

Over the century as a whole the increase in average space per person was very large – there was a little more than one room for each person in England and Wales in 1911 but 2.25 rooms per person in 2011. Despite today's apparent abundance of space, however, we still have significant problems of overcrowding, unaffordability and homelessness, to which the usually proposed solution is a big increase in new housing supply. Quick and Watson argue instead that our existing housing stock is more than sufficient to house everyone comfortably – the problem is how it is distributed. New housing

supply could even make things even worse, they argue, if it repeats or amplifies the pattern of widening inequality seen over the last 20 years with the worst-off apparently gaining nothing.

The key problem with this argument is that it treats all housing the same regardless of location, which is quite unlike how we treat it in reality. England and Wales would indeed have ample housing for all if people were indifferent about where they lived and cared only about internal space, as they could simply move from more crowded areas (such as Newham, with 1.5 rooms per person in 2011) to the less crowded ones (such as Rutland, with 2.8).

That these stark differences in housing space endure over time (and have even widened in recent decades, as I explain below) emphasises what should be an obvious point about housing: location matters, to the extent that some people willingly accept a smaller home in return for a 'better' location. The fact that one-bedroom homes in Kingston upon Thames have asking prices far in excess of *four*-bedroom homes in Kingston upon Hull⁴ also indicates that space by itself is a very poor measure of 'housing wealth'.

The uneven distribution of housing space per person across the country helps to explain the trends reported by Quick and Watson. Space per person is lower in more densely populated areas because space is more expensive where land is scarce. The distribution of housing space between people is therefore affected by the distribution of *people* between *places*: when cities are declining and people are moving into less dense areas, housing space tends to become more evenly distributed, but when cities are growing (particularly in their centres) so too does the inequality of housing space.

Throughout the 20th century the population of England and Wales gradually spread out, with most city centre populations falling and less densely populated areas generally growing more quickly, as

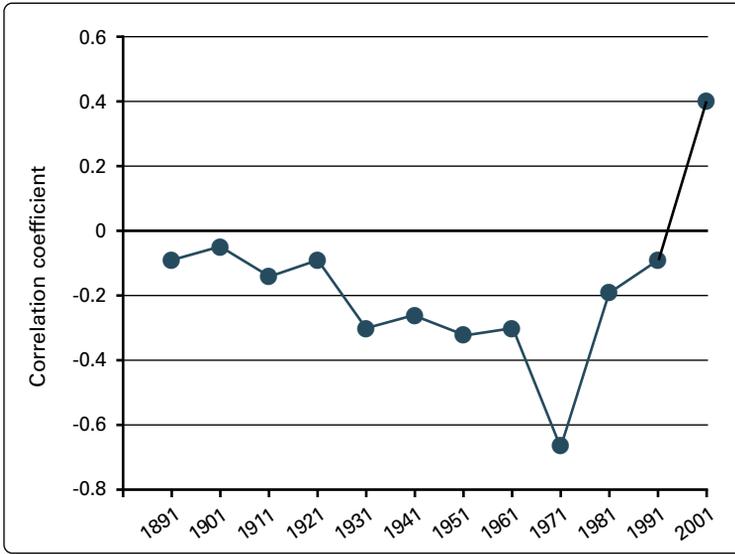


Fig. 1 Correlation coefficient of initial population density and subsequent annual population growth for local authority areas in England and Wales, by decade

Source: Author's analysis of data from 2011 Census and www.VisionofBritain.org.uk. Census data Crown copyright. Adapted from data from the Office for National Statistics licensed under the Open Government Licence v.1.0. Analysis for 1891-2001 is based on data provided through www.VisionofBritain.org.uk and uses statistical material which is copyright of the Great Britain Historical GIS Project, Humphrey Southall and the University of Portsmouth, including historical material which has been re-districted by the Linking Censuses through Time system, created as part of ESRC Award H507255151 by Danny Dorling, David Martin and Richard Mitchell

shown by the negative correlation at local authority level between initial population density and the subsequent population growth rate (see Fig. 1). A range of factors were at work, notably declining city centre employment and improvements in transport that unlocked suburban and rural areas for housing development. But whatever the cause, the result of this great decentralisation was a more even distribution of housing space.

The decentralisation trend peaked in the 1970s, slowed dramatically in the 1980s and 1990s and was reversed in the decade to 2011, the first for over a hundred years in which more densely populated areas grew more quickly. As Tony Champion showed in the August issue of *Town & Country Planning*,⁵ London led the way, its population decline bottoming out in the 1980s and growth accelerating each decade since. Other cities followed – Manchester being the most spectacular example, the population of its central area growing by 19% between 2001 and 2011. Champion shows that England's seven major cities grew at an accelerating rate in the 1990s and 2000s, with their core areas leading the way in the last decade.⁶ It is no coincidence that the inequality of housing space measured by Tunstall also increased at an accelerating rate in this period.

The causes of this urban resurgence are much debated but probably include improving urban environments, falling crime rates, international migration and strong growth in employment sectors that favour dense urban locations, notably the 'knowledge-intensive business services' much analysed by the Centre for Cities. Not all cities have thrived, but the shift in the balance of population growth has been enough to reverse the decentralising trend of a century, and thereby increase the inequality of housing space. London is undoubtedly the most extreme example of this

trend: already the most crowded region in 1981 with 1.75 rooms per person compared with 1.85 in England as a whole,⁷ over the next 30 years this gap grew wider in each decade until by 2011 England had 2.25 rooms per person compared with London's 1.88. Within London, the gap between the most- and least-crowded boroughs also increased, and in the last decade the number of rooms per person actually fell as population growth outpaced housing supply.

When they briefly consider the spatial dimension of inequality, Quick and Watson argue that the relatively similar levels of rooms per person among regions other than London rule out the 'North-South divide' as an explanation for the trends they identify, with London the 'special case' that proves the rule. But not only is London too big to be set aside like this, the trends it exemplifies are repeated at a smaller scale in other towns and cities relative to their wider regions. Fifty-four local authority areas outside London experienced a fall in rooms per person between 2001 and 2011, of which 34 had started out more crowded than their wider regions in 2001.

In general, places that were already more crowded tended to become still more crowded, due to the urban resurgence in population not being matched by a similar growth in housing stock (see Fig. 2). At the other end of the scale, areas that started out less crowded tended to become even less crowded, widening the inequality of housing space between places – and therefore between people too.

It is clear that our country has a severe and growing *spatial* mismatch between the distribution of people and the distribution of housing, a stark reversal of the trend that prevailed through most of the 20th century. Since housing cannot easily be

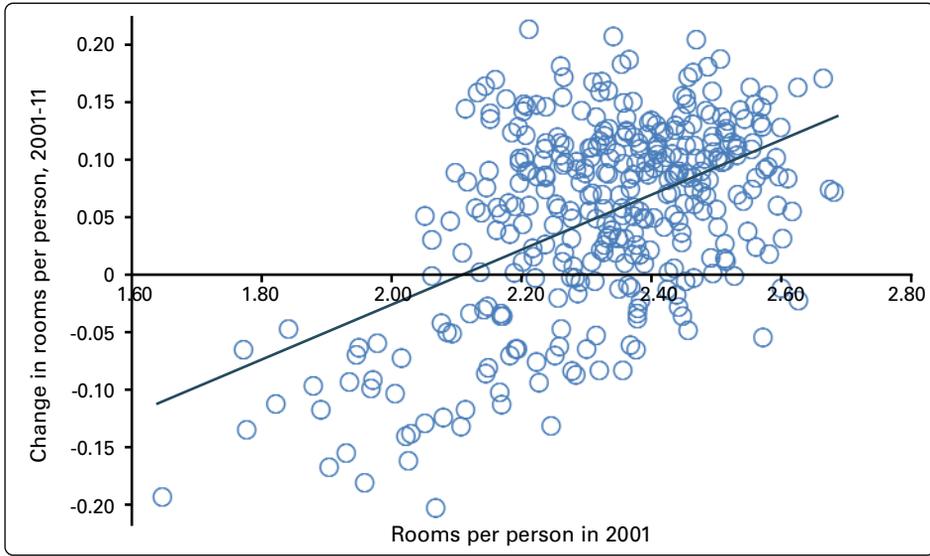


Fig. 2 Rooms per person in 2001 and change between 2001 and 2011, by local authority area in England and Wales

moved around, to call (as Quick and Watson do) for a more equal distribution of housing space without adding to the stock is effectively to call for a more equal spatial distribution of people. But people go where they will (as long as they can), and for now a lot of them want to go to cities, despite the relative lack of space. Instead of trying to make people go where they don't want to, we should ensure that there is enough housing where they do.

Quick and Watson argue that recent housing supply worsened the inequality of housing space, but this inequality (and the absolute levels of crowding in the worst-hit areas) would undoubtedly be even greater without that supply. London added around 1.2 million extra rooms between 2001 and 2011 (from a combination of new build, conversions and extensions), without which its number of rooms per person would have fallen even more than it actually did. The problem was not too much housing supply but not enough of it, and too much of what supply there was in the wrong places – for example, the number of rooms in London grew slightly more slowly than in England as a whole, despite much faster population growth. Rapidly adding housing in cities is a challenge, but one we will have to meet if the trends reported by Quick and Watson are not to get worse.

We will be much better able to meet that challenge, however, if every part of our growing cities does its share. It is striking, for example, that between 2001 and 2011 the number of homes (and the number of rooms) in Kensington and Chelsea, the most expensive local authority in the country, hardly grew at all. In general, building new homes in wealthy areas seems much more difficult than building them in poor ones. In this sense housing wealth and its unequal distribution really do matter, and getting more homes (including social housing) built in wealthy areas should be seen as a vitally important progressive cause.

● **James Gleeson** is a Senior Housing Policy Officer at the Greater London Authority. The views expressed are personal.

Notes

- 1 A. Quick and D. Watson: 'Why building more houses isn't enough to solve the housing crisis'. *Town & Country Planning*, 2015, Vol. 84, May, 227-32
- 2 B. Tunstall: 'Relative housing space inequality in England and Wales, and its recent rapid resurgence'. *International Journal of Housing Policy*, 2015, Vol. 15 (2), 105-26
- 3 The ratio of rooms per person at the 90th and 10th percentiles of the national distribution fell between 1921 and 1981 before rising at an accelerating rate between 1981 and 2011. The ratio of the 50th and 10th percentiles also rose, as did the percentage below 60% of median housing space, but the Gini coefficient of inequality and the ratio of the 90th and 50th percentiles were both fairly steady throughout
- 4 According to Zoopla on 2 August 2015, the average asking price for a one-bedroom home in Kingston upon Thames was £291,292, against an average for a four-bedroom home in Kingston upon Hull of £177,097
- 5 T. Champion: 'Urban population – can recovery last?'. *Town & Country Planning*, 2015, Vol. 84, Aug., 340-5
- 6 Champion (see note 5) also uses recent Office for National Statistics mid-year population estimates to demonstrate that both urban population growth rates and the gap between central and suburban areas have generally increased in the 2008-14 period
- 7 This section uses data for England only as data for Wales is not available for the whole period. For 1981 to 1991 aggregate data was downloaded from the UK Data Service Census Support service at <http://casweb.mimas.ac.uk>. The tables used were SAS141 for 1981 and S22 for 1991. 2001 data from table KS19 was downloaded from the Office for National Statistics Neighbourhood Statistics website (<http://neighbourhood.statistics.gov.uk>). 2011 data from table KS403EW was downloaded from Nomis (www.nomisweb.co.uk/). Census output is Crown copyright and is reproduced with the permission of the Controller of HMSO



Automne

Boundary reviews and re-organisation – *Au revoir Languedoc et allo Occitainie*

In England we can't say the 'R' word. But in France, regions are alive and well and on the political agenda. A plan, announced last year but only now starting to emerge in detail, is being developed jointly by the national and regional governments and will brigade the 22 existing regions into 12 'super-regions'. So in our area, Languedoc Roussillon is set to merge with Midi-Pyrénées, giving a region with a population bigger than that of Scotland.

Some proposals, such as Alsace merging with Lorraine, seem totally logical, but others have been described as 'shotgun weddings'. But money talks and President François Hollande has forecast that over €1 billion can be saved annually by cutting out 'administration'. And for lower taxes, most people seem prepared to sell their *grand-mère*, so savings achieved by changing a name on the top of a bill is popular.

The new super-regions are promised additional powers devolved from the centre, and the greater critical mass is forecast to improve and speed up decision-making on major infrastructure planning. Certainly it has galvanised local politicians, who see roles in the new tier as very attractive, offering increased responsibilities, but accompanied by the powers and budgets to deliver. Already there is some shadow working which is informing the TGV extensions debate.

Of course, where the new regional 'capitals' will be situated was a matter of some debate. For us, a straight choice between Toulouse and Montpellier saw Toulouse emerge as winner – little wonder; it is the fourth-largest city in France, with a population of nearly half a million. Some from the eastern part of Roussillon are complaining that Toulouse is too far away – citizens of Penzance can probably identify with this when asked to recognise Bristol as their 'capital'!

However, the issue that is creating real interest and some heat is what the new region will be called. What worries everyone is that compromise may result in an artificial construct of names. As in the local government re-organisation in England in

1974, when names were conjured up from public votes, consultants or politicians in smoke-filled rooms (remember smoke-filled rooms?), some names work better than others. Forty years on, how many people across the UK can point on a map to Three Rivers, Castle Point or Dacorum?

Topping a poll with a quarter of the popular vote by readers of all the newspapers in our new super-region is Occitainie. This name is a throw-back to history – indeed Languedoc is a re-work of *langue d'Oc*, or the area where they used to talk in the language of the Occitainie. This mediaeval, culturally rich period is still celebrated locally through folk festivals and pageants. But the vote has appalled the economic development people, who see this as resurrecting an image of people in sandals banging tambourines and weaving their own smocks – not an image appropriate, they feel, for the home of Airbus and a city-region of the 21st century. They were pushing for Sud de France, which is already in use as a brand and gaining widespread use in Languedoc Roussillon.

This in turn is incensing tourism chiefs from Marseilles to Monte Carlo, who claim *they* are the south of France. The riposte of brand managers in Montpellier is that, with Provence and Cote D'Azur, their cousins round the bay don't need any further titles and anyway they could call themselves Midi. And then there are the folk along the Pyrenees who favour Pays Catalan...

And talking of districts, the re-organisation proposals recommend that communes should have at least 1,500 people – and this potentially spells curtains for thousands of small village administrations across France. The commune has a special place in the hearts of the French, especially the rural French, and it is difficult to see many councillors on small administrations falling on their swords. My neighbours and I like to be able to pop in to our *mairie*, where the one paid official can fix most things, and Fabrice and David, our two versatile manual workers, are always around to fix anything in the public realm, and more besides. They know their patch and steward it well.

But our village is a commune of only 300 residents and is therefore vulnerable in this re-organisation. So in a kind of 'duty to co-operate' it has moved swiftly to join up with over 30 neighbouring small communes to create a *communauté des communes*. Already this group operates a combined waste disposal operation, and the intention is to expand joint working.

For planning, our commune has adopted its own *cadastral* or local plan, following advice from the technical officers at Carcassonne, and planning

applications are forwarded to that bureau for recommendations before decisions are taken locally. So the technical aspects of planning are seen as simply another back-office function that can be 'bought in' from a higher tier. And residents seem quite content with the arrangement, as they know they are too small to justify a whole range of functions which can be supplied by the neighbouring *hôtel de ville*.

Can we in the UK, and particularly in England, learn from this? What works in France might not work in England, but outside of the major cities many would say we lack the top-down strategic powers from a directly elected assembly with clout and have also saddled ourselves with districts that are often too large to deliver true localism. 'Devo min' rather than 'devo max' seems to be the only thing on offer from Westminster; shire counties are emasculated from what they once were, and many shire districts still carry the baggage of the 'shotgun weddings' 40 years on.

Local government has always had to deliver whatever the situation, and the need for budget savings is likely to drive councils to become bedfellows, like it or not; but when it comes to town and country planning this seems a sub-optimal response to the socio-economic geography of modern living. We should not be persuaded by those who say we can learn nothing from Europe.

Tourists as well as holiday-makers

It has been a BBQ summer in France. From mid-June there has been wall-to-wall sunshine, broken only by the heavy downpours of early October exemplified by the fatal flash floods on the Cote D'Azur. The millions of French who opted for a staycation in 2015 were well rewarded with good weather, but their habits are changing. The days are over when, like Monsieur Hulot, the tidal wave of Parisians surged to a *pension* on full board for a month. The French are discovering self-catering, short breaks and internet booking. The long neglected ancestral homes in villages are having their shutters thrown open by family members keen to experience the calm and simple pleasures of *vacances plein air* by walking, mountain biking, canoeing and other activities.

It's wonderful to see our village come alive with the noise of essential modernisation inside *maisons anciennes* and the noise of children playing outside in the streets. At least for one month in the year French villages look 'occupied' rather than the ghostly places they often appear.

'Accélérer les projets de construction'

Sounds familiar? From 10 July a decree aimed at speeding up the planning process is requiring councils to turn round applications more quickly. Despite some indicators showing growth in the construction sector generally, the number of annual housing starts is marginally down, reflecting the continuing malaise in the French economy. Outside of Paris and a few principal cities, and in sharp contrast to the UK market, house prices have barely moved in a decade. In our area you can still buy a decent size house plot (and there are thousands for sale) for little over £30,000, and a builder will be happy to quote *and start work* within a few weeks – how amazing is that?

Although I have not been able to spot the actual words in a French document, I imagine the Government is saying that jobs are locked up in the filing cabinets of officials. So the target? It is five months! And if there are constraints such as archaeology or ecology, then the timescale is extendable. If this sounds to you more like evolution than revolution then you're probably right. What's universal is how governments on both sides of the Channel seem to be lining up councils and the planners as whipping boys for the failure of policies over which they have no control. *Quelle surprise!*

Stop (wine) press

The gorgeous summer weather seems also set to create a vintage year in the Minervois and Corbières. Quantities are slightly down but quality is first class. Once this region's wine was fit mostly for immediate drinking at best, and at worst cooking. The latest appellations are being talked about as wines suitable for laying down, perhaps even for a decade. The downside for 'session drinkers' is that the alcohol content is rising inexorably and it will not just be the bottles that will be lying down! In the country where once everyone used to drink a lot and not get drunk, now most people drink less but some end up legless.

● **Graeme Bell OBE** is a Vice-President of the TCPA. The views expressed are personal.

the new divide in politics



Ebenezer Howard, famously potted off to survey and buy land while the great and good were agonising about how the government of the day was ever going to be persuaded to build Garden Cities. I can almost hear the discussions. Salisbury, they complain, he just doesn't understand. As for Chamberlain and Balfour – have you any idea what they used to get up to at university? Those dining clubs! Yuk.

But Howard really knew politicians. As a House of Commons stenographer he knew what they could do and what they couldn't, and he judged that, in this very practical venture, you just had to get on and do it yourself. In fact, practical – a ferociously English word in its use, if not in its origins – ought really to have been in the subtitle of his famous book. His was an exciting idea, not because it was good in theory, or because it fitted neatly into some wider government agenda or other, but because of its sheer practicality. Since the general election in May, I have found myself dividing the political forces in our country using a similar yardstick. I have also come to believe that this is actually a major division, certainly on the Left but also increasingly on the Right.

A wide lethargic block sits on one side, complaining about their opponents – and, in the Labour Party, about each other. They use the dead symbolism of past generations – waving banners, chanting crowds and slogans. On the other hand, there is an emerging Left that is overwhelmingly positive, highly practical, but seeking new ways forward with energy and innovation – especially in economics. This is powerfully local, aware that centralism no longer works, and uses the language of renewable energy, social entrepreneurship, social enterprise, people-powered prosperity, and the strange nether world between small business innovation and urban revival.

What is fascinating, and rather unexpected, is that the sheer pragmatism of this emerging Left is remarkably similar in one part of the pantheon to what it is in another. It is English in the sense that it goes for what works. I recently found myself in

Preston, interviewing members of the council, and was fascinated by their bold economic programme, put forward in this case by the Labour Party. It was almost thrilling in its pragmatism. Blairite it isn't, but neither is it obviously socialist – its concern with enterprise could almost make it more Right than Left.

In this respect, the UK is some way behind the USA, which had its own crisis of local government finance in the 1980s after California voted to dramatically reduce state taxes. The result was a cash-strapped but highly entrepreneurial local government class, and a can-do attitude that marks a huge gulf between them and the national grandstanding politicians. In the UK, we are only just about to come to terms with the implications for local government of the new comprehensive spending review. If the axe falls on local government quite as we expect, there will be a collapse of confidence and a great deal of anger, and, perhaps, in the same way as in the US, from the ashes will emerge an entrepreneurial new generation of local leaders.

The real question is whether the Treasury will let local government be economically entrepreneurial, rather than more than it is being allowed to be under City Deals or the 'Northern Powerhouse' devolution. That remains to be seen, but it seems likely to be the quid pro quo that local government will demand, quite reasonably, in return for the huge spending reductions that will be demanded of them.

In the meantime, you can see the beginning of the new can-do political class. They are not really politicians at all, most of them – although they are certainly activists, running social enterprises, food co-ops, local banks and energy generators. It is six years now since I spoke at the Schumacher Lectures in Bristol and was taken aside afterwards by a young lady who wanted my advice about how to set up a goat farm. I didn't have the foggiest idea, but it struck me then that this was the first generation since the 1890s to interpret their radicalism in such entrepreneurial, practical and agrarian ways. When in ten years' time that generation of activists are running our cities we are likely to find they have imbibed Howard's maxim that, if you wait for central government to act, you will be 'as old as Methuselah'.

● **David Boyle** is the author of *How To Be English* (Square Peg) and the co-director of the New Weather Institute. The views expressed are personal.

a legal matter - policy and the role of the courts



In its landmark ruling in *Tesco Stores v Dundee Council*,¹ the Supreme Court made it clear that it is the courts rather than decision-makers who are the ultimate arbiters when it comes to the interpretation of planning policies. Accordingly, since opening its doors for business in April 2014, the Planning Court has been regularly called upon to offer a view on the meaning of policies contained in the National Planning Policy Framework (NPPF).

More recently its attention has also been focused on policies contained in national Planning Practice Guidance (PPG). For example, in the *Exeter City Council* case² one of the issues that the Court was asked to consider was the correct approach to assessing the contribution made by student accommodation to housing supply in the light of the PPG. However, in a recent decision, the Court was asked to consider not what two particular policies in the PPG meant, but whether they should have been introduced in the first place.³

By way of background to the case, the introduction of the PPG has marked a departure in approach from its predecessor documents in that it is a 'living' document which is constantly being revised and updated. This has clear advantages in that guidance can keep pace with what is a constantly changing political, social and economic landscape. In contrast, the ability of local planning authorities to be this 'fleet of foot' when revising their planning guidance is seriously constrained by legislation governing issues such as where policies should appear in the policy hierarchy, how they should be promulgated, and whether they need to be independently examined before they are adopted.

Having said all of this, there are limits on the freedom of the Secretary of State to make policy 'on the hoof', and these limits were exposed in the *West Berkshire* case.

The two policies that were the subject of the challenge were announced in a Ministerial Statement published in November 2014. Both were

intended to address what was characterised by the Government as the 'disproportionate burden' of developer contributions on small-scale housing developers. The first policy excluded small-scale housing developments⁴ from the need to contribute to affordable housing. The second policy introduced vacant building credit, allowing developers to offset affordable housing contributions by the total floorspace of a vacant building that they brought back into use or demolished for redevelopment.

While the introduction of these measures will have been welcomed by developers specialising in smaller sites, they have proved far less popular with local planning authorities concerned that the relaxation of affordable housing requirements will impact on their ability to secure social housing, particularly in areas where land is at a premium and housing projects tend to be smaller in scale. This concern prompted two of the local planning authorities who were particularly disadvantaged to pursue the draconian step of challenging the introduction of the policies by way of judicial review.

Multiple grounds of challenge were advanced by the challengers, ranging from the incompatibility of the policies with the statutory framework governing the planning process, through to complaints about the unfairness of the consultation process and breaches of the public sector equality duty. The Secretary of State was also accused of failing to take into account material planning considerations and acting irrationally.

The challengers managed to achieve a comprehensive victory in the High Court. In a lengthy and considered judgement, Holgate J first addressed the alleged inconsistency of the approach of the Secretary of State with the statutory scheme. The judge ruled that while it was for Parliament and Ministers to determine the objectives of planning policy and to set these out in legislation, Ministerial directions and policy guidelines, this prerogative power could not be exercised in a way that would frustrate the statutory scheme.

Holgate J highlighted the checks and balances inherent in the statutory scheme underpinning Local Plan production. Draft policies must be supported by an evidence base, and appropriate publicity and consultation are key elements of the scheme.

Policies must be independently examined for soundness and are subject to Sustainability Appraisal.

Holgate J was satisfied that the Secretary of State's common law powers to promote planning policies could not be used incompatibly with the statutory code. The fundamental problem inherent in the policies under scrutiny was that it was not contemplated that they would be taken into account alongside Local Plans, but were rather intended to displace them. According to Holgate J this approach was incompatible with the notion of requiring

This may not be the end of the matter as the Government has announced its intention to appeal the decision in the Court of Appeal. However, whatever the final outcome, the judgment demonstrates that while planning remains an essentially political rather than quasi-judicial process,⁵ the law and lawyers will continue to play a key role when it comes to establishing the future direction of the system.

● **Bob Pritchard** is a solicitor specialising in planning law at *Eversheds*. The views expressed are personal.

Notes

- 1 *Tesco Stores v Dundee Council* [2012] UKSC 13
- 2 *Exeter City Council v (1) Secretary of State for Communities and Local Government (2) Waddeton Park Ltd (3) RB Nelder Trust* [2015] EWHC 1663
- 3 *West Berkshire District Council and another v Department for Communities and Local Government* [2015] EWHC 2222
- 4 Those of 10 units or fewer or smaller than 10 square metres in area – 5 square metres in sensitive sites such as Areas of Outstanding Natural Beauty
- 5 See, for example, *R (on the Application of Kevin Paul Lewis) v Persimmon Homes Teesside Ltd* [2008] EWCA Civ 746

'The learned judge also went on to find that the consultation process had been unfair – not least because the concept of the 'disproportionate burden' was singularly opaque and the local planning authorities were simply unable to formulate a meaningful response to what was cited as an essential justification for the policy'

planning applications to be determined in accordance with adopted Local Development Plan policies formulated on the basis of local circumstances.

While this apparent flaw was probably enough to hole these particular policies below the waterline, the learned judge also went on to find that the consultation process had been unfair – not least because the concept of the 'disproportionate burden' was singularly opaque and the local planning authorities were simply unable to formulate a meaningful response to what was cited as an essential justification for the policy. The judge was also satisfied that the Government had not taken into account what he saw as the 'obviously material' potentially harmful consequences of the policy changes.

He also endorsed the ground of challenge based on the public sector equality duty, ruling that the Government had failed to carry out the Equality Impact Assessment with the rigour necessary to assess the extent and risk of adverse effects on members of groups protected by the legislation.

thinking outside the 'territorial box'



In the past few weeks the state of the Chinese economy and the implications for the wider global economy have been much in the news.¹ Compared with some of the double-digit growth rates experienced in the decades since China's 'open door' policy was launched in 1978, reported economic growth has now slowed to around 7.5% per annum.² The 'open door' policy paved the way for foreign businesses to invest in China so that today it has surpassed the USA to become the biggest single trading nation in the world.²

While economists have argued about the causes and depth of the crisis, one explanation advanced for the current situation is that China had been overproducing and internal growth could not absorb the excessive production capacity following a decline in global demand following the 2007, predominantly Western, financial crisis. What is less well known in the West is that China sought to respond to the downturn in the global economy by launching a major macro-economic initiative known as 'One Belt, One Road' in 2013.

This article seeks to explain the nature of the 'One Belt, One Road' initiative and explore some of the spatial implications for European territorial development. In this, it follows on from an article by Matthew Cocks in the December 2014 edition of *Town & Country Planning*³ which focused on the extent to which local businesses in UK cities were being encouraged by their strategic agencies, Local Enterprise Partnerships, local authorities and Chambers of Commerce to look to China for export opportunities.

Origins of 'One Belt, One Road'

The 'One Belt, One Road' (OBOR) initiative seeks to recreate the traditional trade links that existed between China, much of Asia and Europe dating back over thousands of years, through what became known in Europe as 'the Silk Road'. It is interesting to note that 'the Silk Road' is a relatively

recent term coined by the German geographer and traveller Ferdinand von Richthofen in 1877, when perhaps ironically the importance of these trade routes was on the wane. Nevertheless, the trade links go back much further in time. 'Silk Road' in the singular was also to an extent a misnomer, as in practice the route comprised a number of overland and maritime networks connecting places together to facilitate two-way trade of goods and services.

The new OBOR initiative similarly tries to re-establish spaces for co-operation based on reconnecting, or better connecting, places, largely through improving infrastructure connections (see the map in Fig. 1). Launched by the current Chinese President, Xi Jinping, the initiative is intended as a long-term vision for the next 35 years. It envisages three overland routes and one maritime route, which (through the adoption of the principles of peace and co-operation, openness and inclusiveness in decision-making, mutual learning, and mutual benefit) are ostensibly intended to create a 'win-win' situation for all those involved – although several Western commentators rather predictably see the initiative as China flexing its muscles and trying to become the global hegemonic power, or at least finding new markets to help absorb overcapacity in its home market, thereby avoiding or mitigating a domestic economic crisis.

To date, 65 separate nation states have become associated with the initiative, and a newly established Asian Infrastructure Investment Bank has been created, intended to support infrastructure investment in the Asia-Pacific area. This bank, which might be seen as a competitor to the World Bank, has many European countries among its founding members and shareholders, much to the annoyance of the USA, which has refused to engage with the process of its creation.

The Chinese describe the OBOR concept as an 'initiative' rather than a strategy or a policy, which perhaps suggests something more fluid in its nature and character. Nevertheless, the idea has attracted a great deal of policy and academic interest within China, even if, as noted above, it remains largely ignored, or unknown, within Europe. After a slow start in engaging with the initiative,⁴ EU policy-makers are currently discussing the implications of OBOR and possible synergies with the EU's current

'Juncker' Investment Plan. This article reflects on the initiative and the spatial policy ramifications for European territorial development.

Beyond the Pentagon?

Notwithstanding ongoing concerns regarding the future of the European project in the light of several challenges – including the migrant crisis, the future of the euro, and an impending referendum on the UK's membership of the EU – processes of European integration, in terms of both a widening and a deepening Europe, have had and continue to have uneven territorial or spatial impacts. Much work which has examined these issues has tended to focus on the internal impacts of European integration, seeing the bloc as an entity in its own right or often only considering the territorial impacts resulting from linkages and activities across its immediate borders.

The first widely known spatial representation of the impacts of European integration on European space was the idea of the 'Blue Banana' (*la banane bleue*) in the late 1980s, which conceptualised France as being relatively peripheral in European space and likely to become more isolated if new growth was associated with a shift in economic activities to the Mediterranean to take advantage of a better quality of life, or to the east as former Soviet bloc countries sought EU membership.⁵

Later, in the European Spatial Development Perspective (ESDP)⁶ adopted by the EU member states in 1999 as an indicative spatial framework to inform the thinking of decision-makers across the various scales of European governance, the economic and urban heart of Europe was described as a 'pentagon' defined at its corners by the cities of London, Paris, Milan, Munich and Hamburg. At the time this area represented 20% of the EU's the total area, contained about 40% of its population, and produced about 50% of its total GDP.⁷ The 'Euro-Pentagon' thus had nothing to do with the headquarters of the USA's Department of Defense, but was one definition of the 'core' of Europe, compared to which the rest of the continent was conceived as being relatively 'peripheral'.

The European spatial policy approach sought to counter the EU 'territorial imbalance' implied by such conceptualisations by promoting greater 'polycentricity' – an idea that was, and remains, vague and could be applied at a variety of different spatial scales.⁸ Much of the regional policy narrative and funding at the time was therefore based around a redistributive policy agenda designed to reduce the gap between the core and periphery and achieve greater territorial balance.

Today, EU Cohesion Policy still, in theory, has ideas of balance at its core, but increasingly growth potentials and funding are being linked to overcoming locally defined challenges and/or exploiting endogenous 'territorial potential' in what has become known as 'smart specialisation'.⁹ It is clear, too, that internal restructuring of European space is increasingly being shaped by external factors such as the development of, and links with, other global regions.

While it is too early to see what the territorial impacts of the OBOR initiative may be, and accepting that there are many threats and challenges to its delivery (not least geo-political instability, notably in many countries along the initiative's route – see Fig. 1), there is no doubt that trade with China has become very important for Europe and its regions. In global trade terms, China is Europe's most important partner, being the biggest importer into Europe and the second-most important destination for exported EU goods in 2013. Although overall there was a substantial EU trade deficit of €62 billion with China in 2013-14, this imbalance is gradually reducing as EU trade exports gradually increase.

Furthermore, within the EU there are significant variations in the levels of trade with China. For example, Germany recorded a positive €4.7 billion balance on trade in goods with China, compared with a deficit of €12.0 billion for the UK, and German exports of goods were worth five times the value of UK exports to China (€32.3 billion compared with €6.2 billion) in the period January to June 2013.² German imports of goods from China in the same period were worth €27.7 billion compared with €18.5 billion for UK imports.

What is becoming increasingly clear is that such economic links have spatial implications 'on the ground', and if the OBOR initiative succeeds it will have varied spatial impacts on different parts of the European territory. Policy-makers in areas affected may thus need to develop an awareness of these tendencies so that their spatial strategies – sitting alongside the broader economic development strategies highlighted by Cocks³ – can be configured to make the most of, or mitigate, their effects. Below we consider what some of the spatial ramifications of China's OBOR initiative might be, and argue that policy-makers need to be aware of what is happening beyond their local contexts.

The importance of networks and nodes

Since the latter decades of the 20th century, a great deal of emphasis has been attached in Europe to improving connectivity through infrastructure

Suzanne Yee, Department of Geography and Planning, University of Liverpool, based on a map produced by China Investment Research

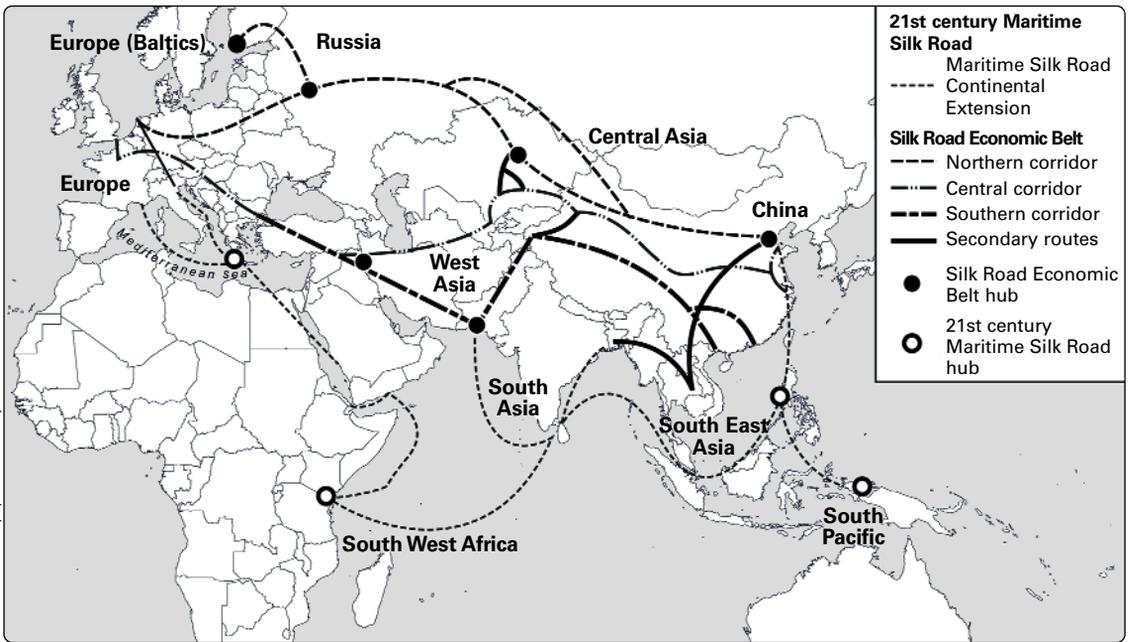


Fig. 1 Possible 'One Belt, One Road' corridors and nodes

developments. The Trans-European Networks (TENS) reflect this tendency, and policy rhetoric has often stressed the importance of better connecting the core with the periphery so that new development opportunities can be fostered in the periphery.

Much research which has investigated the impacts of such policies has generally concluded that the frictional effect of distance is to some extent overcome for the points or nodes within improved systems, but that within the transport corridors some places become relatively more peripheral and isolated from the core due to so-called 'tunnel effects' (for example, where a high-speed railway may lead to faster links between a regional capital and other major cities, but results in fewer services for smaller places and territories located in between). In light of such experience, what might be the implications of the OBOR initiative for policy development in Europe?

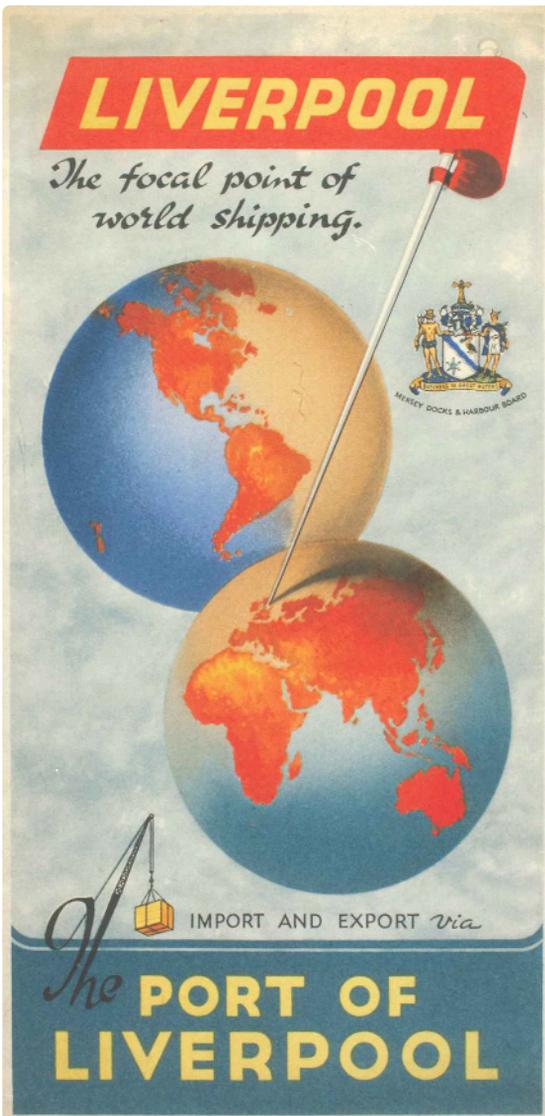
There are a number of points that can be made. First, the various representations of the OBOR initiative (such as in Fig. 1) are not necessarily definitive indications of the final route and location of corridors and nodes. As regards the land-based and sea-based dimensions of OBOR, it is worth noting that global trade routes are currently dominated by shipping, which accounts for 90% of global trade,¹⁰ and shipping is likely to remain the dominant transportation mode for the foreseeable future.

Recently the capacity of both the Panama and Suez canals to accommodate the largest container ships has been increased, and this, coupled with the (re)development of ports along the Atlantic seaboard of the United States, will have an impact on the geography of the major shipping lanes. Ships that circumnavigate the globe will need to be accommodated at new or expanded ports. Containers will then require trans-shipment to their final destinations via short sea shipping routes, road, rail, or inland waterways.

While the schematic maps of the OBOR initiative suggest access into the European mainland through the historic oriental trade gateways of the Adriatic and Venice, or Marseille, this does not preclude development and growth opportunities for ports in the Western Mediterranean, or even on the Atlantic seaboard of Europe.

In Liverpool, for example, the private sector is investing heavily in new port infrastructure to take advantage of the fact that the city is one of the first European ports that can be reached following a trans-Atlantic crossing from the new east coast ports of the United States. New landward infrastructure, including a second bridge over the Mersey at Runcorn, is intended to facilitate the movement of goods into and out of the North of England much more cheaply, quickly and reliably than using the ports of the increasingly congested South and South East of England.

Mersey Docks and Harbour Board, courtesy of Mersey Docks and Harbour Company



Place promotion from times past - international links are not new, and places' position within the flows of trade can vary and be subject to promotion by place-based actors and agencies

New logistics sites are rapidly emerging in close proximity to the port, and already local authorities are becoming concerned about a lack of available space to satisfy this emerging demand. Yet as regards OBOR geography, policy-makers in the Liverpool city-region and the port operator may be mindful of the fact that current visualisations of the initiative do not represent the maritime 'road' continuing around to the west coast of Europe. In other parts of Europe, it may also be that overland

routes from Asia (there are already rail connections between China and Germany, and China and Spain¹¹) become the most important catalyst for facilitating new economic opportunities stemming from the OBOR initiative.

Looking beyond the local

Another theme emerging from a consideration of initiatives such as OBOR is how place-focused actors such as spatial planners, businesses and political leaders, at a variety of different spatial scales within Europe, may find their gaze being drawn beyond the local to contemplate the territorial implications of increased international and global relationships. At European, national, regional and local scales such interconnectedness and the attendant risks and opportunities for the development of places may require increased awareness of ostensibly 'remote' trends and initiatives.

In the past, many European research activities have focused on what is happening in European space. Key documents such as the EU Cohesion Reports contain numerous maps of Europe's internal structure and regional conditions within the EU, while European Observation Network for Territorial Development and Cohesion (ESPON) projects have often focused on the EU territory and sometimes relations with its immediate neighbours (the 'Europe in the World' ESPON project¹² being notable for its adoption of a more global perspective).

In planning it is perhaps natural to become preoccupied with local considerations, yet if strategic spatial planning has a role to play in envisioning a better future for places then a better understanding of how places and their economies connect to the wider global context and economy may be very valuable. Through such 'scanning' beyond the local horizon the potential importance and implications of initiatives like OBOR may be registered and responses developed where and when appropriate.

It was noted earlier how the balance of trade between China and individual countries within Europe varies significantly. Regional diversity and imbalances *within* European countries mean that there is further territorial unevenness in terms of current connections, trading position, and opportunities for trade and inward investment.

Although such differing conditions and opportunities may be the product of complex geographical, economic, historical and political settings, local actors may still have some scope to respond in ways which seek to make the most of a place's position and 'territorial potential' in relation to its external context. For example, Liverpool's

involvement in the Shanghai World Expo in 2010¹³ was driven by the hope that a higher profile for the city and city-region in China might result in increased investor interest from China, notably in some of the city-region's major regeneration schemes.

Concluding reflections

If planning is a futures-orientated activity then planners need to be aware of many of the factors and forces that have the potential to shape the localities they plan for. Macro-economic policies, especially those linked to global trade and trade liberalisation, may be negotiated from a national (and in the EU also a 'global-region') perspective, and are typically promoted as offering 'win-win' outcomes. Yet in practice the impacts of such agreements are spatially uneven.

The impacts of economic integration across national borders are certainly well known in European regional policy debates. Often, however, the focus of those engaged in, or researching, place-based development in Europe has been confined to the sub-national, national, and at times EU context. Perhaps in Europe we need to pay more attention to global changes and their potential implications for European space while continuing to better understand the spatial implications of European integration. In this context China's 'One Belt, One Road' initiative is an interesting example of a long-term vision which may come to present particular development opportunities and challenges for the places it touches, or bypasses.

While China's growth may be slowing, and some commentators have moved rapidly to claim the Chinese model is 'broken', others feel that this is an exaggeration which does not fully take into account a longer-term perspective.¹⁴ Regardless of such debates, and their implications for the OBOR initiative, it seems that those engaged in planning and local/regional development may increasingly need to think about the potential territorial implications of developments beyond Europe, including external 'macro-regional' trends and visions.

In the UK, where our multifaceted connections to the rest of Europe seem to be hardly recognised in many mainstream political debates, and the 'pull-up the drawbridge' mentality of significant sections of the media and political establishment seems set to get a good airing in the run-up to a rather parochial referendum on EU membership, thinking outside the 'territorial box' may prove particularly challenging over the coming period.

● **Professor David Shaw** is Professor of Planning and **Dr Olivier Sykes** is a Lecturer in European Spatial Planning at the University of Liverpool. The views expressed are personal.

Notes

- 1 'China economy: New signs of economic slowdown'. *BBC News*, 13 Sept. 2015. www.bbc.co.uk/news/business-34237939
- 2 R. Bendini: *Trade and Economic Relations with China 2014*. DG EXPO/B/PolDep/Note/2014_101. Paper for the Policy Department, Directorate General for External Affairs, European Commission, Luxembourg, May 2014. [www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522342/EXPO-INTA_SP\(2014\)522342_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522342/EXPO-INTA_SP(2014)522342_EN.pdf)
- 3 M. Cocks: 'China, exports and opportunities for UK cities'. *Town & Country Planning*, 2014, Vol. 83, Dec., 564-8
- 4 D. Pavlicevic: 'China, the EU and One Belt, One Road strategy'. *China Brief*, 31 Jul. 2015 (Vol. 15 (15)). www.jamestown.org/programs/chinabrief/single/?tx_ttnews%5Btt_news%5D=44235&cHash=9dbc08472c19ecd691307c4c1905eb0c
- 5 See A. Rae: 'Colourful fruit and European spatial planning'. Under the Raedar blog entry, 11 Mar. 2009. www.undertheraedar.com/2009/03/colourful-fruit-and-european-spatial.html
- 6 *ESDP: European Spatial Development Perspective. Towards Balanced and Sustainable Development of the Territory of the European Union*. European Commission, May 1999. http://ec.europa.eu/regional_policy/sources/docoffic/official/reports/pdf/sum_en.pdf
- 7 *ESDP: European Spatial Development Perspective* (see note 6), p.61
- 8 A. Faludi: 'The 'Blue Banana' revisited'. *European Journal of Spatial Development*, 2015, Refereed Article 56, Mar. 2015
- 9 P. O'Brien, O. Sykes and D. Shaw: 'The evolving context for territorial development policy and governance in Europe'. *L'Information géographique*, 2015, Vol. 79 (1), 72-97
- 10 J. Shaw and J.D. Sidaway: 'Making links: On (re)engaging with transport and transport geography'. *Progress in Human Geography*, 2010, Vol. 35 (4), 502-20
- 11 A. Dawber: 'China to Spain cargo train: Successful first 16,156-mile round trip on world's longest railway brings promise of increased trade'. *The Independent*, 24 Feb. 2015. www.independent.co.uk/news/world/europe/china-to-spain-cargo-train-successful-first-16156mile-round-trip-on-worlds-longest-railway-brings-promise-of-increased-trade-10067895.html
- 12 C. Grasland: 'Europe in the World'. Presentation to Workshop on the Contribution of ESPON to EU Policies, Brussels, 6 May 2009. www.espon.eu/export/sites/default/Documents/Events/OtherEvents/OpenWorkshopMay2009/espon_ws_06052009_grasland_europe_in_the_world.pdf
- 13 M. Taylor and J. Caswell: 'Liverpool at Shanghai: The Expo experience'. *Local Economy*, 2011, Vol. 26 (5), 423-30
- 14 'The Great Fall of China'. *The Economist*, 29 Aug. 2015. www.economist.com/news/leaders/21662544-fear-about-chinas-economy-can-be-overdone-investors-are-right-be-nervous-great-fall; M. Jacques: 'It's not the Chinese economy that's on life support'. *The Guardian*, 14 Sept. 2015. www.theguardian.com/commentisfree/2015/sep/14/chinese-economy-western-markets-china



Shared-space question

Are the hundred or so shared-space road schemes that have been introduced in Britain in the last decade fundamentally flawed? Lord Holmes of Richmond clearly thinks so, and in July he asked the Government if, 'in the light of the report on shared space, *Accidents by Design*, they are considering an immediate moratorium on all existing shared spaces until an impact assessment has been undertaken'.

The winner of nine Paralympic swimming gold medals who led the organising committee for the London 2012 Paralympic Games, Lord Holmes does not mince his words, claiming on his website that shared space 'has turned high streets into traffic free-for-alls [and] caused confusion, chaos and catastrophe'.

To back up his claims, Lord Holmes points to a survey carried out for the *Accidents by Design* report (which was headlined unquestioned by the BBC and several national newspapers). This survey 'found an overwhelming majority of respondents did not enjoy using shared spaces. A third of respondents go out of their way to actively avoid shared space schemes. Respondents who did use them described feeling intimidated, anxious and frightened, not only for their own safety, but also for the safety of others.'

But the survey was hardly scientific. It was based on a questionnaire made available primarily on Lord Holmes' own website: 852 people responded; all were, of course, self-selected; only 614 completed the questionnaire; and just 523 of the respondents had actually used a shared space.

Others share Lord Holmes' view that shared-space schemes bring 'catastrophe'. That well informed commentator on all things motoring, Jeremy Clarkson, used his column in *The Sun* in 2011 to attack the £16.5 million shared space scheme in Ashford in Kent, politely commenting that 'Someone is going to die, you idiots.' A year later, Kent County Council published the accident statistics for the area covered by the Ashford scheme: these showed a 41% drop in accidents in the four years following its conversion to shared space.

One of the most ambitious shared-space schemes – the re-design of a major crossroads carrying 26,000 vehicles a day through the heart of the village of Poynton – was initially greeted with considerable

local scepticism. But a year after its completion a survey (admittedly on a par with Lord Holmes' survey in terms of its methodology) showed almost two-thirds of the 465 respondents agreeing that shared spaces were a good idea. What is more, the scheme appeared to have helped economic recovery in the village and to have encouraged greater social interaction. One local commented: 'The whole village has become more human. We look at each other, we greet each other.'

Interestingly, the very concerns about the perception of safety that worry Lord Holmes are one of the reasons for the success of shared spaces in reducing accidents. A study of seven European shared-space projects, supported by the European INTERREG IIIB North Sea Programme, found that 'there are fewer accidents. When a situation feels unsafe, people are more alert.'

Nevertheless, Lord Holmes' concerns should not be dismissed out of hand. As a blind person himself and a former Commissioner for the Disability Rights Commission, the points that he raises about the problems that people with disabilities – especially those with impaired vision – have in negotiating shared-space schemes deserve attention. Cyclists, too, are often insufficiently considered when designing shared spaces.

And how did the Government answer Lord Holmes' July question? 'The Government is not considering a moratorium on shared space schemes. It is entirely a matter for each local authority to decide what type of traffic management scheme is needed for the roads that they are responsible for, be this shared space or another type of scheme,' said Communities Minister Lord Ahmad of Wimbledon.

Perhaps the Minister should make this clear to North East Lincolnshire Council, which, in answer to a question about a shared-space scheme in Grimsby, said: 'The scheme in Grimsby was implemented in line with the DfT's guidance, and while we will study Lord Holmes' latest findings, it is really a matter for the DfT to consider.' And perhaps someone should challenge Lord Holmes about how a moratorium could be imposed on schemes that already exist...

Counting pedestrians and texting lanes

Technology is also coming to the aid of pedestrians. A new version of the familiar SCOOT (split cycle offset optimisation technique) system used by many local authorities to manage traffic signals in urban areas now counts the number of pedestrians

waiting to cross and adapts the phasing accordingly. The system is being piloted in South London.

But technology can also increase pedestrian accidents, with a number of recent incidents being caused by people concentrating so much on their smartphones that they walk into obstacles or even collide with moving vehicles. Antwerp is just one city that has recognised this problem and introduced 'text walking lanes' to try to guide technology addicts along a safe route.

However, it seems doubtful that texters will even notice the lanes, and many people fed up with dodging the smartphone-obsessed will probably prefer the solution brought in by the American city of Fort Lee, which has banned texting while walking and fines violators \$85.

Road revolution

While some see shared space as something of a road revolution, its significance will probably fade into obscurity once the technologies that are beginning to transform road vehicles of all kinds become ubiquitous.

One objective is to clean up vehicle pollution with the introduction of alternatively fuelled vehicles. A sign of things to come is the introduction in October of a fully electric double-decker bus on the Cricklewood/Victoria route in London. By the end of the year, London will also have its first route equipped entirely with all-electric single-decker buses, running between Norwood and South Croydon. Transport for London is also introducing inductive charging technology that will enable the batteries on buses to be recharged wirelessly while they wait at bus stands.

Not everyone thinks that electric vehicles are the best answer. Toyota has just introduced its first production hydrogen-powered fuel cell car, the Mirai. The fuel cell car aims to overcome the twin problems for electric cars: their comparatively short range and hours-long recharging time. Refuelling the Mirai takes just three minutes and the car can then travel more than 200 miles. However, the Mirai is very expensive (almost \$60,000) and very heavy (2 tonnes); and there is also currently no widespread hydrogen refuelling network. Toyota points out that its pioneering hybrid Prius was also written off by its critics when it was first launched but is now Japan's best-selling car and has topped sales of 5 million worldwide.

While battery and recharging technology is likely to make electric cars more attractive in future, fuel cells may prove more suited to heavy vehicles such as buses and lorries. What is certain is that the market for alternatively fuelled vehicles is already growing

rapidly: in the UK, they now make up a 2% share of the market, a 50% rise in a year; and the IDTechEx market research company forecasts that sales of electric and hybrid cars will hit \$188 billion globally by 2025.

The California Air Resources Board – which has driven California's influential policies to reduce vehicle emissions – is determined to see clean vehicles as the norm, with a target of more than 20% of all new vehicles bought in the State being alternatively fuelled by 2025 and rising to near-100% just five years later. The Volkswagen diesel car scandal will no doubt persuade other authorities to consider similar moves.

Combine these clean vehicle technologies with the safety advantages of driverless vehicles and it is possible to conceive of cities of the future in which transport is a benign part of urban living, with no pollution implications and minimal safety risks as vehicles automatically adjust to their surroundings.

Incidentally, for those sceptics who still do not believe that autonomous vehicles can be as safe as those controlled by humans, it is worth looking at the airline industry, where many experts now believe that airliners would be safer without on-board pilots, not least because pilot error, including pilot-suicide, are now the main cause of aircraft accidents. And drones are demonstrating that the technology that enables aircraft to be flown remotely does work.

These thoughts are not even very new: as long ago as 1997 the *New York Times* reported pilots joking that 'in the near future airliners will be flown by a pilot and a dog: the dog's job is to bite the pilot if he touches anything, and the pilot's job is to feed the dog'.

House-top trees

I have written before about the value of urban trees in reducing air pollution, and was therefore interested to see a solution put forward by three Vietnamese architects – Vo Trong Nghia, Masaaki Iwamoto and Kosuke Nishijima – to provide trees in a high-density urban environment. They took Ho Chi Minh City as an example: only 0.25% of the entire city area is covered by greenery, while huge numbers of motorbikes cause serious air pollution.

Their proposed answer is to build 'houses for trees'. Each house has a huge concrete pot on top designed to contain soil and provide a home for big tropical trees, with the added benefit of retaining stormwater to reduce the risk of flooding.

● **Paul Burall** is a freelance writer specialising in business, environmental and design issues. The views expressed are personal.

Save the Date...

TCPA Annual Conference

what's the plan?

24 November 2015

St Martin-in-the-Fields, London WC2N 4JJ

As the Housing Bill makes its way through Parliament this autumn, there is no doubt that the new Government is serious about getting more homes built. But are recent initiatives such as relaxation of the rules on changes of use and the renewed emphasis on building on brownfield land having the right results? Will the loss of national standards for home-building help increase the quantity of new homes? What will be the cumulative effect of these changes on long-term place-making?

This conference will provide a unique opportunity to hear and discuss the Government's ideas for delivering the number of homes we need, to the standards that local communities want. The conference will hear from local authorities, planning experts, and the increasing section of the population that would like to buy a home but can only afford to rent. Are they convinced that the Government's recent incremental changes to planning will provide a strong framework for delivering enough good homes? If not, what should be done?

- The first discussion, 'Delivering quality as well as quantity – is the formula right?', will focus on place-making. How can local authorities, developers, housing associations and others ensure that the understandable demand to build more, and to build quickly, does not have a detrimental impact on our ability to create desirable, successful places? Is the current policy framework enabling house-building and place-making- or do we need a re-think?
- In the second discussion, 'What's happening on the ground?', a range of experts with unique insight into what is actually being built will discuss what they see happening across the country. Are recent reforms, such as the relaxation of changes of use, helping to bring new life to places – or are they undermining the ability of local authorities to plan for the future? What will be the effect of the new Housing Bill?



tcpa

Book online at

<http://www.tcpa.org.uk/events.php?action=event&id=156>