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Planning Reform what's afoot?

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1 July 2020



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Before now

- Nothing new here?
- Frequent if not regular reviews
- The Rainsford Review of Planning 2018
- The NPPF
- March 2019 Brokenshire statement
- Conservative Party Conference 2019 fringe events
 - **Jake Berry**
 - **Robert Jenrick**



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The Policy Exchange's Rethinking the Planning System for the 21st Century (Jan 2020)

The recommended reforms

- end detailed land use allocations
- introduce binary zonal land use system
- redefine local plans
- rules based development control
- streamlining role of local politicians

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Planning for the Future (March 2020)

- The sound bites
- The proposals
 - launching a national brownfield map
 - reviewing the formula for calculating Local Housing Need
 - introducing new pd rights for building upwards; consulting on pd right for demolition of buildings and replacement with housing
 - backing the O-C Arc, including a new spatial framework and up to 4 new development corporations
 - setting a deadline for local plans – Dec 2023
 - expanding the use of zoning tools “such as” LDOs
 - improving effectiveness of CPO powers and consulting on reforms to speed up decision-making process
 - revising the NPPF to embed principles of good design and placemaking
- The further work, including Planning White Paper to deliver “common sense planning reforms to get Britain building”

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The RTPI's Priorities for Planning Reform in England (April 2020)

Five recommendations

- Invest in place – increased funding for infrastructure and affordable housing
- Refocus planning on 21st Century issues – more priority to decarbonisation and climate resilience, design, well-being
- Display leadership on digital transformation – harnessing technological innovation
- Provide a clear direction for strategic planning – clear direction on level and scope of strategic plans
- Support a strong, plan led system – the emphasis should be on proactive plan-making (zoning not practical or desirable)

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The rumour mill in June

- The Policy Exchange essays
- The Jenrick postscript
- The expert panel
- The press reports
- The comments from others
- The Housing and Planning Minister

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Build, Build, Build (30 June 2020)

- Reform of the UCO
- Management of Government owned land
- Measures to support home building
- In July launch a planning Policy Paper “setting out our plan for comprehensive reform of England’s seven-decade old planning system”
- Later this year bring forward a Local Recovery White Paper (re a sustainable economic recovery), launch National Infrastructure Plan and legislate for wider de-regulatory reforms

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What’s afoot?

-zoning-

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OUTLINE

- (i) Background: 1909-1947
- (ii) Current “proposals”
- (iii) Radical change & complex systems



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Background: 1909-1947

- Housing, Town Planning etc Act 1909 provided for the establishment of a system of town planning schemes.
- Arrangements amended in later legislation (Acts of 1919, 1925, 1932).



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Background ctd

Hansard: President of the Local Government Board introduced the Bill (second reading, April 1909)

“I have lately been spending week ends in visiting thirty or forty unemployed works in the East End of London, particularly in close proximity to open spaces, and if Members who do not know the East End of London had been with me, I could have pointed out in a practical way how, even close to places like West Ham Park, Hainault Forest, the western portion of Epping Forest and Hackney Marshes, and by the River Lea and other places, if we had had this Bill 40 or 50 years ago, the amenities of these parks and open spaces could have been enormously added to by maintaining a balance between them and the houses built in their neighbourhood.”



Background ctd

- 1909 Act introduced a power to prepare (and have approved) a town planning scheme.
- Context: absence of general control over development – Parliament sought to provide a means of improving the quality of development & mitigating its effects.
- Impetus: the improvement of public health and amenity.
- Outcome (where schemes brought into being) – zones within which development could take place, but it was regulated so as to secure proper sanitary conditions, amenity & convenience in connection with the laying out and use of the land and neighbouring land.



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Background: was early town planning legislation based on zoning?

- Effect of that early legislation was to introduce control, regulating geographical areas, where specific development could take place, provided it followed prescribed rules.
- It was a form of zoning, in that compliance with the rules in a particular area meant that development was permitted to take place.

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Background: 1947 changes

- Modern system of town & country planning
- Introduced to tackle the defects in the old system, which were thought to be:
 - Poor take up (a power not a duty)
 - Slow: problems with transitional arrangements
 - Inflexible & quickly out of date
 - A patchwork of schemes with limited strategic planning

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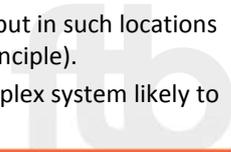
Current “proposals”

- The binary zonal land use planning system imagined in Rethinking the Planning System for the 21st Century (January 2020) not so far featured in Government proposals.
- Planning for the Future (March 2020) suggested that the use of zoning tools such as Local Development Orders should be expanded.
- & see the consultation on UK Freeports.



Radical reform & complex systems

- Resolution of competing interests within the planning system is a crucial task, because of the permanence of built development & because of the pernicious effects of failing to meet social and economic needs.
- Creating greater certainty within planning, so as to attract & sustain investment must be a powerful factor in favour of reform. The current system is flexible but can be unpredictable.
- Use of zoning can offer certainty, but the early patchwork 20th Century model was slow and rigid.
- Clearly scope for zoning where there are few constraints, but in such locations are already available mechanisms (LDOs, permission in principle).
- Is instituting a programme of radical reform to such a complex system likely to speed things up in the short/medium term?





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ANY QUESTIONS?

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-zoning-

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Permitted Development Rights: What's Afoot?



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Permitted Development Rights

- New rights
- Evolution rather than Revolution
- Continued Commitment to reliance on PD for the delivery of new homes despite criticisms of e.g. office to residential rights
- Competing objectives? Beauty and sustainability v. perceived speedy housing delivery



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What's Afoot from August?

- The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020
- Up to two additional storeys above existing block of flats built between 1st July 1948 and 5th March 2018
- Host building must be 3 storeys+
- Height of extended building must be no more than 30m
- Prior approval required on variety of issues
- The issue of “adequate natural light” for habitable rooms

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What's Afoot in the Longer Term?

- By September - right to allow vacant and redundant commercial buildings incl. shops and residential buildings to be demolished and replaced with new homes
- By September – rights for wider range of commercial buildings to change to residential
- By September – further rights to build upwards for new and bigger homes

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Questions?



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