



LORDS LAND USE INQUIRY

Submission by Smart Growth UK

25 April 2022

Smart Growth UK is an informal coalition of organisations and individuals which campaigns for adoption of the Smart Growth approach to land use, transport and community development. Smart Growth is a sustainable approach to planning that emphasises compact and accessible urban communities and which opposes urban sprawl and car dependency. It seeks traditional ways of planning towns based around local services, ease of walking and cycling and good public transport, especially rail-based.

1. What do you see as the most notable current challenges in relation to land use in England? How might these challenges best be tackled? How do you foresee land use in England changing over the long term? How should competing priorities for land use be managed?

1.1 There are many big issues ahead for land use in England, perhaps most notable are how to increase food production to meet our national shortage, improve our damaged biodiversity, address climate change and provide for other needs of our economy and society. These are not separate challenges; they are all intimately linked and presumably that's central to the present inquiry.

1.2 The most urgent current challenge in addressing English land use issues, however, is the fragmentary nature of planning and regulation. The multiplicity – and weakness in most cases – of systems in comparison with the growing scale of the threats to the environment and the economy is enormously concerning.

1.3 Some of the most notable current challenges (in no particular order of importance) are:-

- Soil sealing
- Climate change
- Greenfield building development
- Unsustainable transport
- Biodiversity decline
- Repurposing of food producing land
- Water supply and waste water treatment

- Soil quality decline
- Carbon sequestration
- Groundwater depletion and contamination
- Drainage, flooding and sea defence

1.4 This list is far from exhaustive and, given that all are inter-related, it shows the need for an holistic approach. Tackling these challenges necessitates an end to the beliefs both that the market is the principal, or sole, solution needed for most problems and that many things need less planning or regulation, or even none at all. The market has an important role and we need to recognise its importance in our economy but, in many areas, a stronger element of national, regional or local planning (at the lowest level practicable) and a strong element of community involvement are needed to protect our environment and meet the challenges listed above (and others). A well planned and regulated economy is, in any case, also likely to function better, without the peaks and troughs we have seen in recent decades.

1.5 While the UK spatial planning system offers some degree of management of some of these activities, it only exercises a serious level of planning in a few, weak interaction with others and little or no involvement in others still. The way it works splits several issues into siloes, so their inter-relation is obscure. But the challenges are inter-related and that is why an holistic approach is needed.

1.6 A greater degree of integration is possible. Whitehall's experience with the Department of the Environment, Transport and the Regions (1997-2001) and its successor, the Department for Transport, Local Government and the Regions (2001-2002), however, has created huge resistance in England to bringing these functions closer together. The idea of a combined department was ended for a variety of reasons which included trying to do too much at central government level which should best have been done at the regional level, and by lobbying from senior transport civil servants who feared the Department of Transport's traditional focus – road building – would be compromised by having to address other issues.

1.7 But greater degrees of integration are desirable. Whitehall departments already bring housing together with planning and agriculture together with the environment. To be sure, there are problems and conflicts, but most of these spring from historical prejudices about what national policy should be and extreme resistance to the essential changes to address the problems of the 21st century.

1.8 The Smart Growth philosophy is an example of the way many of these issues can be planned together. It was first developed 30 years ago in North America in recognition of the inter-related problems of urban sprawl, car-dependency and inner-city decline. Today it is mainstream in spatial and transport planning in significant parts of the United States and Canada (though not always called "smart growth"). Several US states and cities have departments with a smart growth ethos. It has successfully been adapted to challenges in other countries and we have argued for 15 years that a Smart Growth approach, with a strong ecosystem services element, is needed in decisions affecting our physical environment if we are to address 21st century challenges seriously.

2. What are the key drivers of land use change which need to be planned for and how should they be planned for? What is the role of multifunctional land use strategies in implementing these plans?

2.1 In England, perhaps the main drivers of destructive land use change have been the progressive weakening of the planning system in response to commercial pressures from the development industry over the past 20 years and decades of relentless pursuit of unsustainable transport policies. These have been compounded by the massive uplift in the value of undeveloped land once it is zoned for housing or other development in local plans. In theory (under “viability” provisions in the *National Planning Policy Framework*¹ and *Planning Practice Guidance*²), when that development necessitates extensive provision of public infrastructure, it is the land owner’s profits that should suffer before the developer’s (“viability” is more or less code-speak for profitability). While the infrastructure implications of that should have rendered many huge housing sprawl developments unviable, developers have extracted almost £4 billion in subsidy from the Government under its Housing Infrastructure Fund over the past four years³.

2.2 Destruction of planning has principally been driven by a bizarre but unshakeable view at HM Treasury that building raw numbers of homes, of whatever type and at whatever location, will significantly address not only housing need but also the UK’s structural economic problems. Time and again this has been shown not to be the case. The housing market acts quite independently of building numbers and the economy remains as volatile as ever. But the myths are still central to English planning policy, especially since the *National Planning Policy Framework* was imposed in 2012.

2.3 We certainly do need a multifunctional land use strategy to co-ordinate management and regulation of a range of issues – both those subject to the town and country planning system and many others. We squander our land in many ways: low-density, car-dependent housing sprawl, truck-dependent, mega-warehouse based, distribution systems, huge road layouts etc. These undermine our ability to cope with many gathering challenges.

2.4 But we need more than simply a land use strategy. We need a system that plans, co-ordinates and (where necessary) regulates many activities that affect land.

2.5 The activities which are subject to greater or lesser elements of control in the planning system in England are covered in the *National Planning Policy Framework*, *Planning Practice Guidance* and planning legislation. However, even within these activities, planning often does little other than influence their interface with other activities, coastal defence for example, rather than co-ordinating or even, where necessary, managing them.

2.6 Vital functions whose planning and regulation lie significantly or wholly outside the current planning system include:-

- Agriculture
- Coast and sea defence
- Flood control and drainage
- Public transport

- Road and air transport
- Water and wastewater
- Energy
- Forestry
- Soil protection

2.7 Our current approach – minimising both public regulation and management wherever possible and leaving it to the market – has had its day. There are some very big pressing problems which this approach is plainly failing to solve. These include:-

- Planning for loss of significant areas to sea level rise now that 1.5 degrees is going to be extremely challenging if, indeed, possible;
- Excessive development in areas lacking sufficient water supplies or waste water capacity. The latter might be alleviated with much higher investment than water companies are prepared to provide; the former would only be secured by a national water grid which neither the industry nor government shows the slightest interest in;
- Reducing greenhouse gas emissions to net zero (and many commentators believe that some of the major technologies necessary, including carbon capture and storage, are yet to be shown to be practicable). Transport emissions represent an ever-higher percentage and there is no sign of the present systems making the investments in public transport and restricting unsustainable modes that are needed. Instead, the current system is building roads and expanding airports;
- Carbon sequestration in soils, including protection of both upland and lowland peat. A sequestration strategy and strategies for allowing upland areas to benefit from sequestration economically are urgently needed;
- Protecting our food producing land from loss to building development, solar farms and energy crops etc.;
- Stopping and reversing biodiversity decline.

3. How might we achieve greater and more effective co-ordination, integration and delivery of land use policy and management at a central, regional, local and landscape level?

3.1 Too much of the control exercised in the current system lies in Whitehall (where the development sector's influence is over-dominant) and there is still too little control generally thanks to over-emphasis on market mechanisms.

3.2 A central challenge for an holistic land use planning system is to spread power around to make its function more inclusive and ensure it is exercised at the most appropriate level. The challenge with the market is to ensure it functions efficiently, but isn't given so much power that it damages the environment, our society and, indeed, our economy.

3.3 It has always been recognised that various aspects of activities need managing and regulating at different levels – national or local or, until the last decade in England,

regionally. This would remain true even if a much wider range of activities were brought into a planning framework.

3.4 Two principles should guide a new system of decision-making:-

- Decisions should be made at the lowest level practicable: national, regional or local.
- Decisions should be inclusive, which would mean much less secrecy and an openness to alternative ideas.

4. What impacts are changes to farming and agricultural practices, including food production, likely to have on land use in England? What is the role of new technology and changing standards of land management?

4.1 The future of farming can either begin to address the inter-related problems of land use or exacerbate them, depending on how it is managed. In particular, farming has the potential to balance food production and nature recovery on a UK-wide basis. But it will take careful and co-ordinated planning, under a framework with some centrally set standards. There may also be room for *strictly limited* use of agricultural land for renewable energy production, such as green gas from grass in areas of poor soil that are currently over-cropped by sheep.

5. What impact are the forthcoming environmental land management schemes likely to have on agriculture, biodiversity and well-being? What do you see as their merits and disadvantages?

5.1 There are plainly challenges for farmers in replacing the Balanced Payments Scheme but it was at least simple to understand. There is a danger that what replaces it will impose conflictual requirements on food protection, biodiversity, carbon sequestration etc. and will leave those conflicts unresolved as they are sometimes under different regimes – legislative, regulatory and managerial.

6. What do you see as the key threats to nature and biodiversity in England in the short and longer term and what role should land use policy have in tackling these?

6.1 There are many threats to nature and biodiversity. They include:-

- Fragmentation as well as loss of habitat;
- Inappropriate, or absent, management of nature of “wilder” areas such as national parks and AONBs;
- Sewage pollution of our rivers, lakes and other watercourses;
- Over-use of insecticides and herbicides;
- Drought, flooding and the spread of invasive species, as a result of climate change.
- The expansion of built-up areas.

This list is far from exhaustive. All policies on land use should set out to tackle these problems, since helping to resolve them will benefit all the other uses and users of land.

6.2 The relentless expansion of our built-up area, and the roads that serve it, are key threats to biodiversity. It's not only the soil-sealing that such development involves; built-up areas seriously degrade nature in large areas of their surroundings too. Housing development brings disturbance, air, noise and soil pollution, invasive species and predation of wildlife by pets. We are sceptical of the ability of "biodiversity net gain" to mitigate such destruction, especially as there is growing anecdotal evidence of a lack of enthusiasm by developers to fully recognise the destruction of biodiversity their developments would cause or to provide realistic mitigation.

6.3 So we need a Smart Growth based land policy which includes an aim of concentrating urban development, as far as possible on existing urban areas and only using greenfield land as a last resort when alternatives are not available. This would involve higher residential densities, transit-orientated development, permeable urban areas served by active travel and public transport (rail-based where possible) etc. It would also involve an end to the default development preference of the past 100 years – low-density, car-dependent sprawl.

6.4 We also need to put an end to the rapidly worsening land-destroying activities of the distribution industry. All over the country near motorway and trunk road interchanges, major distribution depots are springing up, usually on greenfield sites. There is little prospect of decarbonising heavy goods vehicles in the foreseeable future, so not only is this process destructive of our land, it increases greenhouse gas emissions too.

7. What are the merits and challenges of emerging policies such as nature-based solutions (including ecosystem and carbon markets), local nature recovery strategies and the biodiversity net gain requirement? Are these policies compatible, and how can we ensure they support one another, and that they deliver effective benefits for nature?

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8. How will commitments such as the 25-year environment plan and net zero target require changes to land use in England and what other impacts might these changes have?

8.1 Achievement of net zero (or, better still, actual zero) will necessitate a complete rethink of the way we move passengers and freight around. At the moment, political timidity imagines a shift of the current road-dominated system to electrically powered cars and goods vehicles is all that's necessary. But much of this is impractical and we need to reduce the amount of energy – and land – our transport system wastes.

9. How should land use challenges around energy and infrastructure be managed?

9.1 It is essential to stop expecting our food-producing land to provide our energy supplies too. So we need a moratorium on further solar farms and growth of energy crops on productive arable land. All new buildings should normally have solar-panelled roofs; existing buildings should be gradually retrofitted for energy efficiency. If more onshore wind energy is pursued, it should not involve extensive soil-sealing – currently an issue given that every turbine needs to be served by a high-standard road. For this reason, sensitive upland areas should be avoided and planning consents should include a requirement to restore sites at the end of facilities' lives.

9.2 We urgently need to look offshore for our renewable energy supplies. This is not just offshore wind - we need to rekindle interest in tidal power and also wave.

9.3 Tidal power can provide equivalent levels of energy to nuclear at a somewhat lower cost and timescale. There are biodiversity challenges to overcome, but it needs to be remembered that climate change also seriously threatens wildlife. The ability of modern technology to move electricity significant distances under the sea makes installations like the Pentland Firth barrage a serious possibility.

9.4 Wave power is less well developed, but there are promising technologies which can produce power on shorter timescales and should be pursued.

10. What do you see as the advantages and disadvantages of the existing land use planning system and associated frameworks in England? How effectively does the system manage competing demands on land, including the Government's housing and development objectives? What would be the merits of introducing a formal spatial planning framework or frameworks and how might it be implemented?

10.1 See answer to question 2 above.

10.2 Essentially the system fails to manage competing demands on land and has been seriously distorted by the Government's housing and development objectives. What powers the planning system possesses have been weakened by under-resourcing and a relentless drive by central government to weaken a system which actually needed strengthening.

11. What lessons may be learned from land use planning frameworks in the devolved nations and abroad and how might these lessons apply in England?

11.1 The Smart Growth philosophy was first developed in the United States in the 1990s in response to that country's uniquely destructive problems of urban sprawl, car-dependency and inner-city decline. Despite a certain smugness that things never got quite that bad in England, all these continue to be challenges which need to be addressed. National policy continues to go on as usual, however.

11.2 The 20 years since policies based on the proposals in the Urban Task Force report and the urban and transport white papers were ended by HM Treasury through its Barker reviews etc., and the 10 years since the destructive *National Planning Policy Framework* was imposed on English planning, have seen a rekindling of destructive levels of sprawl. England is (small nations apart) the most densely populated country in Europe and yet it builds its homes at its lowest densities. Transport policy continues to be dominated by high-carbon modes including road building and airport expansion. And the existence of a "Department for Levelling-Up" shows all too plainly how uneven economic activity is across England.

11.3 Smart Growth policies are far from universal in the United States, but they have been extremely influential. Some states and cities even have departments of smart growth and even where they do not, the influence of these policies is plain.

12. Which organisations would be best placed to plan and decide on the allocation of land for the various competing agendas for land use in England, and how should they set about doing so?

12.1 There is plainly a balance to be struck between allowing the market to determine allocation of land and public regulation and planning. However, we believe the progressive shifting of that relationship towards the market in recent decades has neither produced the economic benefits sought, or met our housing and infrastructural needs, but it has seriously damaged our environment and our ability to meet gathering environmental threats.

12.2 The key challenges are now to determine what institutional framework will be needed to address this. Far too much power in England is vested in HM Treasury, the Department of Levelling Up, Housing and Communities, the Department for Transport, the Department for Environment, Food & Rural Affairs and their very numerous executive agencies. And not only do they have far too much power, Parliament exercises far too little oversight over them.

12.3 This doesn't mean an end to central government co-ordination of issues around land use, far from it. The Government would have to set national standards and these would both have to be regularly reviewed and open to much wider input than the current monolithic structure of English governance. England is a country that doesn't listen. Such a system would have to allow much more regional and local flexibility and control.

12.4 The influence of global markets in areas like food also needs more scrutiny. Given that the war in Ukraine is introducing an era where food prices are likely to rise as supplies fall, simply accepting that we can buy our way out of our inability to produce most of our food is dangerous. Food should be seen as a "public good" in the way that biodiversity is.

12.5 One specific issue at central government level should be to restore the independence of, and respect for, the Planning Inspectorate. Once universally respected for its work, the 10 years since the *NPPF* was imposed have often left it in the unenviable position of the enforcer of unsustainable government policies on reluctant local authorities. This needs to change. One possible expansion of its role would be for it to take on a role as monitor and regulator of planning consultancies. Most of them behave with high professional standards, but there is always a tension between those standards and the commercial demands of their clients. If consultancies that fall below acceptable standards through incompetence, inaccuracy, bias, deception or corruption could be struck off a register and so unable to practice, it would raise standards. It could also help to distance the development sector from its dominant position currently in English planning.

12.6 Regional governance is now a huge hole in English governance. There are now city regions with elected mayors and assemblies, etc., but these mostly fall short of true regional structure. Greater London apart, English regions have never had directly elected bodies and the legitimacy such organisations enjoy, even though it is near

universal in most of Europe. One reason is that standard regional boundaries in England were never particularly functional, still being based in many ways on medieval boundaries which have simply been tinkered with since then. Some of the EU standard regions were too big and too ill-defined, for effective regional governance and the reform in 2000, moving counties from South East England to the East of England, left both lacking any rational basis. Why are Banbury, Lymington and Margate part of South East England, while Watford and Thurrock are not? What logic is there to a region which includes both Gainsborough and Southend-on-Sea? The city regions are mostly too small and the standard regions too big and their boundaries too constrained by the boundaries that suited medieval England.

12.7 Nearly 40 years of destructive tinkering with the 1974 local government reforms have left a system, only ever half-heartedly based on Redcliffe-Maud, in ruins. In some ways this is accepted by central government in re-establishment of a Greater London authority and city region governance. This effectively demonstrates what a mistake the 1986 reforms were, without saying so or fully reversing them.

12.8 Given the decades of hostile legislation designed to weaken local democracy, it is hard to avoid the belief that successive governments have deliberately and cynically centralised power in London, often leaving new unitary authorities seriously devoid of resources, democratic legitimacy and, not infrequently, geographical coherence. This has implications at both regional and local level.

12.9 At regional level we now need to establish democratically elected regional bodies in England based on boundaries that both reflect geography and the need for democratic legitimacy (and not delineated by ancient county boundaries). These are often likely to be smaller than the existing regions and would offer the ability to plan for land use and protection at a large scale, while still being able to reflect local needs.

12.10 At the local level, we would hesitate to suggest further reform after the destructive process of the past three-and-a-half decades (which still grinds on). Local authorities have been left weak and reeling, both by reform and by increasingly stringent resource cuts. Planning has been a significant victim.

12.11 But there will plainly be areas which have been left completely dysfunctional by both processes.

12.12 We would recommend the time has come for a new Redcliffe-Maud Commission to look at the whole structure of regional and local governance in England, both its boundaries and its resources.

12.13 To secure the radical changes in land use planning and regulation we need, all bodies involved would need strong legitimacy. This has not been served by our adversarial system of political control, and numerous local authorities have discovered that “no overall control” is not the horror that advocates of first-past-the-post voting believe. We need to discover an electoral system that involves a wider range of opinion in its decision making.

12.14 Radical change requires such legitimacy, but it also requires openness. Over recent decades, speed of decision making in local government has been prioritised over openness and there is now a messy system of cabinets, executives and elected mayors. This may produce quicker decision making and Whitehall may find it more biddable, but it has left communities feeling alienated from their elected representatives and has reduced the legitimacy of their decision making.

12.15 We need a new system of land use, transport and environmental planning based on new principles:-

- Decisions should be taken at the lowest practicable level nationally, regionally or locally;
- The system should be as open as possible, with decision making behind closed doors only when there is strong justification and there must be greater opportunities for community voices to be listened to;
- Planning needs to encompass a wider range of environmental factors than the current town & country planning system;
- Large-scale tree planting should be confined to native species and should not take place on productive arable land or peat soils;
- Upland peat areas should be protected from activities which lose carbon and should be managed, if possible, for carbon sequestration;
- Our most productive farmland should not be expected to supply the country's energy needs.

12.16 An obvious change at the top would be to move management of the planning system from DLUHC to a reformed DEFRA. This would bring together land use planning, the environment, farming, food and the water environment. Transport policy should also be moved to the new body, enabling a serious response to climate change, biodiversity threats and the challenge of providing food and water sustainably.

12.17 National guidance should recognise there are strong regional and local conditions which militate against a one-size-fits-all policy. Many activities should be devolved down to regional bodies or even local authorities.

12.18 The challenge would be to create a system of planning and regulation which enshrines the principles set out above while sustaining a healthy economy and democracy. No system is perfect of course, but creating such a system would involve challenging some deeply ingrained institutions and accepting we need substantial reform of our democratic processes.

12.19 The prizes would be the ability to address the gathering emergencies around our land, a healthier and better functioning democracy and greater public involvement in, and acceptance of, governance.

¹ *National Planning Policy Framework* [Department for Levelling Up, Housing and Communities, 2021] [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/national-planning-policy-framework)

² *Planning Practice Guidance* [Department for Levelling UP, Housing and Communities, 2021] [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-practice-guidance)

³ *The Housing Infrastructure Fund* [Smart Growth UK, 2022] [https://smartgrowthuk.org/wp-content/uploads/2022/04/Housing Infrastructure Fund-1.pdf](https://smartgrowthuk.org/wp-content/uploads/2022/04/Housing_Infrastructure_Fund-1.pdf)