Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: Natural Environment and Rural Communities Act 2006

Tuesday 7 November 2017

11.05 pm

Watch the meeting

Members present: Lord Cameron of Dillington (The Chairman); Baroness Byford; Earl of Caithness; Lord Cavendish of Furness; Viscount Chandos; Lord Faulkner of Worcester; Countess of Mar; Baroness Whitaker.

Evidence Session No. 12 Heard in Public Questions 95 - 106

Witnesses

I: Dr Hugh Ellis, Head of Policy, Town and Country Planning Association; Trevor Cherrett, Policy Council Member, Town and Country Planning Association.
Examination of witnesses

Dr Hugh Ellis and Trevor Cherrett.

Q95 The Chairman: Welcome, gentlemen. Thank you for coming along today. You have before you a list of interests that have been declared by members of the Committee. The meeting is being broadcast live via the parliamentary website, and a transcript will be taken and published on the Committee website. You will have the opportunity to make corrections to that transcript where necessary. First, there is no need for both of you to answer each question, so do feel free to share the responses between the two of you. Secondly, do you want to introduce yourselves for the record and make any introductory statements?

Dr Hugh Ellis: Good morning. I am the director of policy at the Town and Country Planning Association, which has had a 120-year interest in rural and urban planning. We are in the middle of a major end-to-end review of the English planning system, so much of what I have to say is related to the evidence we have received.

Trevor Cherrett: I am on the TCPA policy council and I, too, am involved in the review, in particular on the local neighbourhood planning side. I am also chair of the Wiltshire Community Land Trust, with a long past involving rural planning across most sectors.

Q96 The Chairman: Thank you. My first question is: does Natural England make a positive contribution to the planning process, both at the level of individual applications and more broadly? Also, have you noticed a tendency for it to withdraw from involvement at the strategic level in recent years? We have heard evidence from other witnesses that that is largely because of resources. Perhaps you would like to comment.

Dr Hugh Ellis: It has the capability to make a positive contribution, but I would preface that by saying that since 2010 the English planning system has undergone extraordinary and radical change. I think we are clear that legally it is much less effective than it was in terms of its powers. It saw a major and significant change of policy along with major structural changes that in particular made it less effective. In a summary, we might say that English planning is procedurally more complex but less effective at delivering outcomes than probably at any time since 1947. In that sense, Natural England is operating in a very different environment from the one it might have been set up to deliver. That creates a great deal of challenge.

There are also impacts, particularly on rural planning authorities, which mean that Natural England needs to play a much stronger role, particularly in providing advice and support. Some of the planning authorities we visited as part of the Raynsford review had fallen below the critical mass at which they could function properly. Quite a few people in the private sector would say that metaphorically no one is answering the phone. Also, for plan making we visited authorities that had 1.25 full-time equivalent staff trying to write an entire local plan. The problem is particularly in rural areas, because there is an assumption on
the part of DCLG that nothing much is happening in rural districts, so they do not have a resourcing option. This is particularly noticeable in upland areas suffering from flood risk.

There is also no doubt that post-2010 all the statutory consultees were sent clear messages about how they should involve themselves in the planning process. The phrase that was often used with us was, "We should not get in the way", whatever that meant; it was not clearly defined. It means that the role of Natural England in policy support has been reduced.

The word we would use to summarise this is that it has become a more passive resource, partly because of those political messages but predominantly because of resources. In our view, Natural England’s role, critical though it is, is not a fulsome one in much of the planning process.

The Chairman: From what you are saying, it seems that the lack of conservation vision in planning decisions is not entirely down to a lack of resources for Natural England; it is also down to a lack of resources in planning departments to assimilate those views.

Dr Hugh Ellis: That is right. If you look at the loss of expertise in planning authorities at the county, district and unitary levels, the posts that seem to have disappeared most starkly are in biodiversity, conservation and sustainable development. The National Audit Office has calculated that there has been overall a 40% reduction in funding for local planning authorities, but there has been a disproportionate hit on the expert services that planning authorities used to rely on.

Q97 Lord Cavendish of Furness: Sticking with Natural England, do either of you see it providing support to authorities on wider planning issues? You have answered this in part. I have landscapes in mind in particular. What role would you like it to play?

Dr Hugh Ellis: The issue of wider planning goes to the heart of whether there is a wider planning framework for Natural England to involve itself in. A very stark question about the way Natural England is organised is that it is attempting to operate through 340-plus local planning authorities, although many of the landscape-scale issues play out in a different kind of geography. One of the great tragedies of Natural England is a failure to understand that that geography is real rather than ideological, if you like. Landscapes and catchments are real. The problem with most district council boundaries is that they do not align themselves well with that kind of geography. The notion of strategic and regional planning fulfilled that role and allowed an engagement on landscape-scale issues that was beginning to play an important part.

Again, this is about how you might evolve Natural England’s role in the context of there being no regional framework to work in. In that context, you would expect it to want to play a bigger role by providing more advice and support. We should also be clear that while the devolution arrangements in England provide opportunities, our summary so far of
devolution in England, not to be too polite about it, is that it is chaotic. You cannot describe an English planning system, because each devolution deal is separate and each combined authority is emerging in a slightly different way. Natural England certainly has to engage more actively with those tiers of devolution as it goes forward.

**Lord Cavendish of Furness:** Before I ask a supplementary question, I have to say that you are quite gloomy about the state of affairs. Historically, planning has not been a disaster, has it? Compared with other countries, we have had some considerable success. Are you looking to the future with regard to this chaos, more than looking back?

**Dr Hugh Ellis:** What is clear from the Raynsford review is that planning has proved to be extraordinarily powerful, with some great post-war achievements, particularly in designation and conservation in the national park movement and in the wider environment. We were reflecting before the meeting on the difficulty that we now have of a whole series of problems regarding whether the boat has essentially sunk and has to be recreated or whether it is capable of reform. The problem is that there needs to be such a degree of structural change to make planning work properly that it is a tall order. That is what we are thinking about now.

The heart of that question is: what do we want out of the planning system and how do we regulate land? There are some real contradictions, for example in upland areas. Planning has no bite on upland land uses whatsoever, yet if you are in Carlisle you are producing flood strategies that are intimately dependent on what people are doing in the upland areas. That is a real opportunity to create a land use spatial planning framework that is logical in structure, clear in purpose and really effective from the social perspective of recognising needs. But that requires fundamental change, and the reasons why the planning system does not work in England are absolutely self-evident; it has a confused purpose, confused powers, a lack of clarity about its structure, and there is a significant gap between it and communities. All those things need to be put right if we are to progress.

**The Chairman:** Along with resources, from what you are saying.

**Dr Hugh Ellis:** Yes, and resources.

**Trevor Cherrett:** I want to add a point briefly in answer to your first question. I think you will find that staff working in AONBs and national parks expect to be getting advice from Natural England, but they are struggling to get that response because of the resource limitations. Even they are not getting the support and advice they probably want. That is primarily a resource issue.

**Baroness Byford:** Dr Ellis, having given us a list of things that need to be changed to make the system work, would you include in it some of the Environment Agency’s current responsibilities?
Dr Hugh Ellis: I certainly would. Again, this is about how you populate the different institutions that provide expert advice and the relationships between them. To some extent, it is about stewardship and care of the nation as a whole, something that is troubling us a great deal at the moment. Whether that is dealt with through the process of a national strategy that would allow agencies to reflect priorities overall for England at the right spatial scale is something that we are debating.

It is important to note that at the moment it is impossible to map the structures, institutions and powers coherently. I tried to explain planning in two-tier local authority areas, including the division of responsibilities, to a group of 16 year-olds in Bristol. I was about 20 seconds in before they were all looking at their phones. That, in a sense, is indicative of the fact that the more we stand back from the system we have developed in this country, the more confusing it looks, interestingly because there has been no fundamental review of planning over the whole post-war period. There have been selective reviews about selective issues, but never a body that could stand back and say, “This is the framework that might operate in the best public interest”.

Trevor Cherrett: I would add a point about delivery. I support the view that delivery should be at the sub-national level because of the hugely diverse nature of rural England physically, socially and economically. It is only at that level that you can see how it all fits together and how the policies relate to each other. The policy should be national, of course, but its delivery should be made at the more local level where you can see the interactions and local people can be fully engaged. We are obviously a very long way from that.

Baroness Byford: Presumably that would make it quite difficult to provide a recommended guidance on how it should be implemented on the ground. Local areas vary so much. Do you have a view on that?

Trevor Cherrett: It is hard to draw the line. Policy should be directed, and it would be good to have a national rural policy that gives a steer. Funding would come from the Treasury, so that is where rural policy would have to be made. But there should be latitude in the devolved areas to decide how things are done locally. It is a question of getting the balance right.

The Earl of Caithness: Given that you cannot wave a magic wand and change the planning system in the way you would like, what do you suggest should be changed in the NERC Act 2006 so that Natural England could fulfil its role in a proper way?

Dr Hugh Ellis: One response to that is something that we are about to move on to, which is changes to the duty. However, we have to focus on Natural England’s core territory, which is a meaningful relationship in law with the operation of the planning system. One of the legal complexities that we have developed is that the Act tries to place a duty on planning authorities to do certain things, but actually it is quite a weak duty and we do not seem to have the structures for implementation.
A key example of that is the relationship between Natural England and the National Planning Policy Framework. In theory, the NPPF is owned by DCLG and contains quite a lot of good policy, but most of the policy that relates to the natural environment and rural planning is not applied effectively. We can certainly talk about that. It seems to me that there needs to be some fundamental change. As an example, one of those issues is: what is the formal relationship between Natural England and the multitude of devolved authorities, all of which have their own legal framework being created for them in separate city deals? Could that relationship be made more formal, with clearer lines for what would be required from such bodies?

The Earl of Caithness: The Natural England standard on landscape that it has circulated to its staff, and which no doubt you have read, shows that it is going to provide a common framework to help people to work more consistently: “A coherent picture”, “clearer and shared understanding”, “give our customers a better understanding”. Is that a true reflection of the situation now as compared with 10 years ago?

Dr Hugh Ellis: There is a significant difference over the two time periods. It may well be a very effective initiative, but the general trend from statutory consultees has been to create passive resources when the real need on the ground in the built environment in rural planning is for specific, bespoke advice. In other words, who can you pick up the phone and talk to? It is that resource that is the missing element. Ten years ago, while I am sure it was not perfect, there was simply more resource available to have conversations on the ground about outcomes for planning.

The Chairman: As a matter of interest, and moving slightly away from Natural England for a moment, what do you think the effect on rural economies and communities has been from the loss of other forms of support that used to be provided by the RDAs, such as the market towns initiative? I believe that Mr Cherrett was involved in this area.

Trevor Cherrett: It has disappeared. We said earlier that the ship has sunk. Local planning authorities do their best. They are charged mainly with local plans, and as we know, the focus of local plans is finding land for housing. They have all those policies around, but a lot of specifically rural policy—an example was what the Commission for Rural Communities was working on, along with a lot of work that we did on sustainable rural development—has kind of evaporated, unless there is a particular interest in a local planning authority. A lot of that has gone, but it might be picked up in local authorities’ economic strategies, perhaps through the LEPs if they have a rural interest. That is getting better, but it has been patchy. It has been a matter of trying to recreate the role through various different mechanisms, which has led to a bit of a jigsaw.

Dr Hugh Ellis: It is important to say from the Manchester experience that with the growth of city regions and devolution deals, the countryside is again being regarded as a hinterland. Certainly in our conversations with people in the south Pennine partnership, we had a sense that the
areas of rural England that lie outside designations and between big cities are simply seen as places through which you build infrastructure to get to somewhere else. That cultural trend can play out just as much through the devolution agenda as it can nationally; there is a lack of awareness of and sensitivity towards those issues.

I am also conscious of the fact that, as regards the future structural changes to planning, which we may not have time to talk about, the Government have indicated the end of the requirement for a local plan and the new legal duty for a light-touch strategic plan. But if you look at and map the arrangements between LEPs, strategic planning and combined authorities, you can see that we have ended up with multiple layers of quite complex arrangements, none of which are necessarily focused on dealing with the fundamental issue of a sensitivity to particular groups, areas and places in England. They are fundamentally focused on the powerhouse of the city as a model for the future.

Q99 Lord Faulkner of Worcester: I want to ask about local plans, if I may, which the Government are very keen on and attach a lot of importance to. Do you think they are a good framework for helping local planning authorities conserve and enhance biodiversity?

Dr Hugh Ellis: I do not think that the local plan framework can be seen to be delivering effectively on that agenda. But I have to caveat that by saying that research on the outcomes of planning decisions and local plans is actually quite thin. The Government do not conduct any qualitative research on the outcomes. We have to be careful about what we say. Certainly, in our experience as part of the Raynsford review, the outcomes from local plans are overwhelmingly focused on the quantum of housing allocation rather than the quality of what is built or biodiversity outcomes. That is because the NPPF is not a document to be read as a whole. Although it says that at the beginning it is not implemented equally, and the paragraphs on a five-year land supply have overwhelming weight in the policy framework.

However, the removal of the requirement for the local plan is simply a disaster, because much of the place-making policy that we need for all sorts of reasons—

The Chairman: Sorry, the removal of what?

Dr Hugh Ellis: The Government have signalled that the policy requirement for the preparation of local plans will come to an end. They flagged that in the housing and planning White Paper in January. At that point I could not quite believe that they were planning to do it, but it has been clarified since then that they do intend to do that. That is a very radical change. Local authorities will still be allowed to prepare local plans; there is no barrier to them doing so, although I would be interested in the conversation with the treasurer when the chief planner says, “I’d like to spend £4 million preparing a local plan”. In some areas, there is an emerging view that a light-touch strategic plan will be a legal requirement for the local authority, followed by neighbourhood plans. We
can talk about the value of those, but what they cannot do is a vast swathe of place-making policy that is currently conducted in those areas.

If we are not careful, the framework will mean this: rural districts with limited amounts of money will not prepare local plans. There will be some neighbourhood plans and there will be a strategic planning layer. Above that, planning in England will be dominated by city regions and major cities. It is impossible for me to say this too many times: I do not know how that framework will work. I cannot see the narrative. I do not understand the structural arrangements. I am extremely worried about how people will relate to it. I think it adds yet more confusion to the process. To answer the question, local plans have the capability to do a very powerful and important job. At the moment, the policy direction is not focused on biodiversity, and in the future it is likely to become more uncertain.

**Lord Faulkner of Worcester:** Do you think they should be more prescriptive on things such as flood risk and the effects of climate change?

**Dr Hugh Ellis:** Overwhelmingly, yes. One interesting thing that we are delving into for the Raynsford review is that we do not have a plan-led system in this country. Many people will sit in front of committees saying that in law we do. In fact, we have never had a very forceful plan-led system. In the majority of the country we do not, either because plans do not exist or because they can be rendered out of date within months of preparation on five-year land supply; of course, it is not in the hands of the local authority to determine build-out rates. In that sense, it is a real challenge. We need a system where the communities and all of us understand much more clearly what plans mean. They should have a stronger legal basis, and that would provide clarity to all parts of the development sector and to communities.

**Lord Faulkner of Worcester:** As a lay man, I am often surprised to see how a local plan envisages the construction of a significant number of houses, yet they are quite clearly in a flood-plain risk area. You would have thought that the local plan might actually say something about that.

**Dr Hugh Ellis:** That is right. It is very often determined by the pressure to meet the five-year land supply but also, you are quite right, by the vaguenesses of policy. I am very much in favour of rules of thumb rather than complex probabilities in climate change policy. Just saying, “Please don’t do that”, would probably be a much more effective approach.

**Lord Cavendish of Furness:** You seem to be talking the whole time about planning from the point of view of the planner. Do you try to see it also from the point of view of those of us who have to try to work with the planning system?

**Dr Hugh Ellis:** We really do, although as a professional planner it is a challenge to talk to normal human beings. When we do talk to normal human beings, I am deeply worried—I think we all are at the TCPA—that
there is a gulf between people’s aspirations and experience and the professional world of planning. That is partly because of the language that we speak and the structures that we put in place. I said at the beginning that the curious thing about planning reform is that it has made the system much more complex to understand but also much less effective at delivering straightforward outcomes. We are attempting to bring some clarity to that issue in the Raynsford review. Neighbourhood planning is a very powerful fixture in trying to transform that. There are different views about neighbourhood planning, but on the whole it has sparked a massive new debate about people’s involvement in the future of their communities. Again, there has been no government review since 1969 of the relationship of people to planning, which is quite shocking, really.

Trevor Cherrett: I think there is hope for neighbourhood planning. The examples so far show that people are getting stuck in. There are all sorts of problems and it is much more complicated than it need be and so on, but actually the record shows that people are getting involved, and they are willing to take on these complex issues involving the local plan and so on. There is a long way to go, but in planning, as far as I am concerned, that is about the only good news there is. That should get better. We need to support that and make it link into the strategic approaches that we have been talking about, which are so sadly wrong at the moment.

Lord Cavendish of Furness: If we are going to get somewhere, we need both sides of the argument.

Baroness Byford: Before I move on to my main question, I would like to follow that up. I am somewhat depressed by the way in which you have reflected the lack of cohesion in the present planning system. Do either of your associations have your own internal reviews of what has been happening, say, over the past five or 10 years? Have you drawn anything from any such work that you would particularly like to reflect to this Committee before I ask you my slightly more direct question? To me, we are going round and round in circles. We talk about local plans and strategic plans, but some district councils come forward with plans that then they cannot follow through on, so those plans are not adequate for the amount of housing and development they need. Where are we going?

Trevor Cherrett: My personal view is that neighbourhood plans should become the core local plan. That needs to fit into some strategic planning, which we need to devise out of the chaos of what is happening at the moment. If local plans are going to go, we need some sort of strategic planning within which neighbourhood planning will fit. For one thing, neighbourhood plans are much more at community level. In a market town or a group of villages, you know where to go to find out what is going on. You have that local knowledge about sites and about what does and does not work. That is a very good basis, given that this country is made up of a huge number of towns and small cities, such as Salisbury or Chichester, which in terms of local government are effectively parish councils at the moment. In my view, that is quite
absurd. We need to bring back that local planning operation, with which people can be much more involved. But it has to sit within wider strategic planning of some kind. We really have to rebuild the ship to go back to that.

**The Chairman:** Do neighbourhood plans work as effectively? They seem to work very well in rural villages, where there is probably a mix of what you might call middle-class and deprived people. I always have the feeling that in areas where there are richer people they work better than in what you might call a slum area of some sort.

**Trevor Cherrett:** Absolutely. There are two issues there. One is the rural/urban issue. The other is that the neighbourhood plans that are going well are the ones that have retired planners and so on—all the usual suspects—working on them. There is no question about that. We need to widen that and to support those that lack those resources. There has been some steady resourcing of neighbourhood planning. We need to increase that and widen it out. It should be made mandatory; we should say that pretty well everywhere has to have one.

In the urban situation, the same arguments apply. The problems will be different, but I do not see why those arguments should not apply in urban neighbourhoods. I will hand over to Hugh on this, because he is more experienced on the urban environment than I am.

**Dr Hugh Ellis:** I would just add that there are significant problems with social capital in poorer areas. There are 2,000 neighbourhood plans under way. I think government estimates that 12,000 would give us total coverage in England, so you could say that that is a positive start, but in urban areas the governance of neighbourhood plans is completely different. There is no democratic accountability. The forums are forums; no one elects them. The multiple urban problems, particularly the churn of residents in particular wards, mean that it is extremely difficult to make a neighbourhood plan. So there is still quite a long way to go before we can make the system work.

Very briefly in response to the bigger question about where things go, England as a place is exceptionally poorly managed, even from a stewardship perspective. Leaving any political view to one side, objectively, the way we organise ourselves gives rise to fundamental questions. The housing forecasting regime, for instance, which has just been consulted on, has significantly increased the numbers of homes that we need to build in high-demand areas with a cap. In northern areas, of course, it has reduced them.

From an urban and policy point of view, there is a need to stand back from England and ask very simply whether it is sensible to attempt to cram all the population and growth into one spatial area with a multitude of infrastructure and environmental issues. We were very good at this, but what is required now is a very sane and humane policy of seeing the nation in the round. Places like Liverpool were engineered for a million people, and now the population is 430,000.
There is no perfect way, but there has to be a better way of managing our resources for the long term. You do that through a debate on strategies that enable the joining-up of investment decisions, advice, policy and expertise to make that happen. We have been exceptionally averse to doing that for a very long time because of this lack of a geographical sense of the nation and, in the broadest sense, because of a lack of care.

Q100 Baroness Byford: Right. My question, which you both partly answered earlier, is: do you think that the Act “having regard” to biodiversity makes a difference in the decisions that are taken in planning?

Dr Hugh Ellis: I think we can be quite direct and say that we do not.

Baroness Byford: I thought you might say that.

Dr Hugh Ellis: I would say only that we thought that the duty, when we reviewed it, was extremely weak. Therefore, it is no surprise that most practising planners have never heard of it. Certainly it is not debated or discussed in any great detail.

The Earl of Caithness: What wording would you choose? We have had evidence that the wording does not really matter; what matters is how you implement it. How would you make the wording so strong that it has to be implemented?

Dr Hugh Ellis: There are already degrees of duties in the planning framework that are worth looking at, and by other public organisations. Certainly the word “must” should be in the duty. The sustainable development duty, for example, is brilliantly crafted to be meaningless in planning law. It says, “contribute to the achievement of sustainable development as defined in guidance”. By the time you have got to the end of that sentence there is no possible challenge ever to be mounted about whether anyone did or did not deliver sustainable development.

I agree entirely that making it happen is about the resources, culture and education of the people who are implementing it, but it has always seemed to me that we look to Parliament to give us both a legal and a cultural steer. Legal duties have both those profound, positive roles. It seems to us that you could strengthen the duty in all sorts of ways, and it is pretty vital to do so. That then translates into whether or not plans will be effective. The model of the climate change Act is probably the most powerful. It operates through planning, which indicates to you that there is a way of constructing legal duties that will have some bite.

Also, critically, any legal duty needs some reporting function, which is not there in this case. In our view, whether it is the Bank of England framework or the Committee on Climate Change, it means that you have a powerful imperative to do something, and there is an absolute imperative for the body set up to ensure that it happens to report directly to Parliament or to the Secretary of State.

Q101 Baroness Whitaker: Following on very much from that, and bearing in
mind Dr Ellis’s earlier comments on the lack of capacity in planning authorities, can we turn to the idea of natural capital? We have had quite a lot of evidence on the value of the natural capital approach to valuing and protecting biodiversity. What do you feel is the value of such an approach, and do you feel that it has any weaknesses?

**Dr Hugh Ellis:** The development of natural capital as an idea could be very powerful. Let me be clear: it has certainly not filtered through into planning yet. We are still at an early stage of its operation. It could be very powerful in attempting to quantify the benefit of environmental services. If it provided a monetarised way of doing that, we could begin to feed that into the machine of decision-making.

However, I have one big reservation, and it is a personal one: it is a limitation of all economists that they fail to understand human beings fully. One of the problems here is that you need to take natural capital and meld it with John Ruskin just a little. People’s relationship with landscape and the environment is acutely personal and extremely powerful. That relationship with the land, or with a street—an urban street or wherever it might be—has always been underestimated.

This takes us back to whether planners understand people. Many of the landscapes that I value extremely highly would feature nowhere on a valuation derived from some form of natural capital. So let me be clear: I think it can make a contribution, but if you try to use it as a technocratic way of separating values from decisions about the environment and people’s feelings about the environment, it will fail. That has to be a part of it. The problem is that economists cannot find a way of doing that yet. So I think it is a building block but not the whole building block.

**Baroness Whitaker:** If more innovative ways were found in the natural capital framework of valuing all the things that you and probably all of us hold dear, do you think that public authorities could have a duty with regard to natural capital that could absorb the biodiversity requirement and make it a bit easier to operate?

**Dr Hugh Ellis:** There is always room for improvement in the level of debate and decision-making by being able to have a proper grasp of the value of ecosystem services. I am sure that brighter people than me will invent something, but I have yet to see economics be able to understand that human relationship or to quantify it. It is probably impossible. That is why human beings have to debate politically the values of different places. And there has to be dialogue and conversation about that. That is the nature of people’s relationship with land. So I am not optimistic that there is a technocratic fix to human beings’ profound link with their environment. Natural capital can help you to understand it to some degree, so I think there is merit in that.

**Trevor Cherrett:** Village design statements are one example. Local people decide what is important about their place, and that includes biodiversity, landscape, local places. It is a question of who is doing the valuing. For people in a village, a bit of scrubby land that you thought
was of no value might be very valuable because it is where they walk the
dog or because it has some historic value. It is quite a tricky area. That
comes back to who is valuing it and what value you put on it. At the
community level, there is a big community role there.

**Baroness Whitaker:** So you think that a participatory approach to
natural capital might yield more accurate results?

**Trevor Cherrett:** At certain levels, yes.

**Viscount Chandos:** I think you have already said enough about how the
countryside is being dominated by the cities in planning, but I guess it is
still worth asking the question: how well or otherwise do you feel that the
Government take account of rural needs in policy-making? You referred
earlier to the work of the CRC. How much do you feel that its abolition
has affected this?

**Trevor Cherrett:** Generally poorly. My starting point is that we seem to
be for ever trying to persuade government to take rural into account.
Why would rural not be taken into account if it is 20% to 25% of the
population and 80% of the land? Why do organs of government,
departments and so on, not take it fully into account? We have seen a
period of trying to make them take it into account through rural-proofing
and setting up commissions and bodies and so on. It has worked very
patchily. Breaking that down into why is another big matter. It has been
a real struggle, and I think it has got worse.

**Baroness Whitaker:** We move on to rural housing, which is another
important area. Using the example of the affordable housing threshold,
do you have any sense of why rural needs might not have been taken
into account in developing and implementing this policy?

**Trevor Cherrett:** It seems that the priority for delivering growth in
housing has completely overshadowed the distinct needs of rural areas.
Taking the Section 106 requirement away from schemes for under 10
units is a disaster for rural areas, as I am sure you know. Either
somebody somewhere decided that supporting developers was so
important that they overrode it or they misplaced it—they did not think of
the rural implications. I come back to the point about rural-proofing,
which we seem continually to be having to remind government about.
There is an issue there with continuity. You might get periods where
people are working quite well, but then they move on and you have to
learn again. It seems that the priority for growth and supporting SMEs in
rural areas was overwhelming and rather submerged that crucial policy
for rural housing, which we are still struggling with.

**Dr Hugh Ellis:** There is another dimension to planning in rural areas that
is also very contentious, which is the relaxation of permitted
development. That has been very extensive in rural areas and has been
welcomed by many people who live and work in the countryside. From a
boring planning perspective, there have been two questions. One is
whether or not taking whole swathes of development out of the planning
process delivers better outcomes. One thing I am sure it has not done is
make housing in rural areas more affordable. There was an assumption that if you increase supply without a tight control over the provision of particular tenures, you will make a contribution to affordability. In fact, in many areas it is not clear what amount of general-demand housing you would have to build to stabilise house prices in rural areas. The focus is wrong. It should be on creative ways of building specific affordable tenures in rural areas.

Finally, we are absolutely opposed to the redefinition of affordability in the forthcoming NPPF rewrite. In many places, 80% of market value is not affordable. It is so far away from affordability as to be nonsense. The focus in delivering affordable homes should be on tenures, which the Government are now, quite rightly, talking about again. Social rent is an important component.

**Baroness Whitaker:** Do either of you have a better structure in mind?

**Dr Hugh Ellis:** The question of delivering on rural housing needs is being fought out in relation to the Government’s commitment to a new social housing Green Paper, which I understand is on the way. I hope and pray that that Green Paper contains a very substantial understanding of the issues affecting rural affordability. I hope that it does not simply set out issues to do with growth and urban areas, important though those are; they are part of the mix. That Green Paper will be the defining moment in whether or not as a nation we have a new framework for delivering particular and vital affordable tenures in rural areas.

**Trevor Cherrett:** At the moment, we have two main mechanisms. One is Section 106, which we have seen being undermined by recent government policy. The other is the exceptions policy. The exceptions policy strikes me as a classic English Alice in Wonderland policy, whereby you declare a site on land that is not allocated for housing and you make it housing. It has worked in a strange kind of way. In a lot of villages it has delivered housing, albeit often very slowly and in a very difficult, time-consuming way. But we really ought to have a more straightforward system of being able to allocate sites for housing, probably through the Section 106 model, as indeed is now happening on exception sites—you need some sort of subsidy. We seem to have made a right Horlicks of it, really, and most schemes are despite rather than because of clear policy. It would be good to try to create a more straightforward policy, where you allocate land for housing with a Section 106. There is another argument about whether you could allocate for affordable housing, but I do not want to get into all that now.

**Q104 The Countess of Mar:** I apologise for not having been here earlier. I had business in the Chamber.

Continuing with rural exception sites, we have heard evidence that one of the unforeseen consequences of the right to buy was the dire effect on the supply of new affordable homes, particularly in rural exception sites. Do you think rural exception sites have been successful? You have indicated that you may not. Why?
**Trevor Cherrett:** As I say, in a rather Alice in Wonderland sort of way, exception sites have been successful. In perhaps a typically compromising, muddling-through way, it has delivered housing. Of course, this goes back to the 1970s and 1980s. There is a long history here. As you know, rural housing has been in crisis for 30 or 40 years—most of my career, actually—which is very worrying.

**The Chairman:** Surely the great advantage of the exception sites is that the land is not of development value. Sometimes it is very low-value, just above agricultural value and so on. That is their real advantage and why they have been so successful.

**Trevor Cherrett:** Absolutely, yes. You are quite right. That is the way it has worked: getting land more cheaply so that you can build affordable housing. But the Section 106 method really comes back to land values. You say to a developer, “You have to develop 40% or 50%”—whatever it is—“and that should be related to the profile of need in that place”, and they buy that land knowing that. The viability is based on the delivery of 40% of whatever of affordable housing. That should happen, but, again, it tends not to and you get into a battle about viability, and developers fight off viability and so on. Yes, I would say that the exceptions policy has worked, probably uniquely in the world, but there is an inherent problem with it and it rather undermines the development plan-led approach.

**The Countess of Mar:** What do you think about the fact that the promise that it will be retained as an affordable home in perpetuity has been broken by the right to buy?

**Trevor Cherrett:** That is a desperate problem. It is usually the first thing that people in communities ask: “Will this be in perpetuity?” That battle is still going on. The right to buy takes the problem back to the 1980s, when all this started, and not building replacement houses has created the problem over the decades, which is very unfortunate.

**The Chairman:** I can see that Dr Ellis is dying to get in, but before he does, perhaps Lord Cavendish might like to speak.

**Lord Cavendish of Furness:** There is an urgent need for the nation to have a better planning policy, but I would say at the same time that there is no competence or understanding of this in Westminster, which amounts almost to crassness, given the reality on the ground of what the country needs. Does this not lead to the suggestion that local government and local people ought to be more empowered, thus moving away from the centre? I think there are instances in other countries of planning being much more local and less national. I see the advantages of national planning, but it is difficult to get my mind around those contradictions.

**Dr Hugh Ellis:** They are almost fundamental constitutional questions that the nation has not settled. I was fascinated to find that there is much less argument in France, Denmark and Germany over the different
tiers of planning, because their planning laws are reflected in a constitutional settlement that describes the powers and structures above the layer of their planning laws. That makes an enormous difference, but we have never done that, so there is bound to be inherent tension and argument in the system. Many of the issues involving the balance of power between local and central government need urgent attention. I know that it is an anorak point, but Redcliffe-Maud in 1969 was the last time we examined this question. It is not surprising that local government in this country has a problem. Fundamental to solving these issues is the need to ascribe a simple framework to the business of central, strategic, local and neighbourhood planning in England, and that is perfectly possible to do. You then need to provide a constitutional solution, which would make an enormous difference to the way we are organised.

All I would say about policy is that the debate in this country about centralism and localism has tended to be: if you believe in neighbourhood planning, you are a good person, and if you believe in national planning, you are a Stalinist. Like many other political debates, here endeth the lesson. The truth, of course, is that the system that works well in other European countries is one of mutually supporting frameworks doing different things and trying to enable each other rather than imposing their will. One thing that the Raynsford review has made pretty clear is that we are now at the highest watermark of centralisation in the post-war period in terms of control by national government over planning. You can see that in energy policy and housing policy. I say nothing about whether that is right or wrong, but it is the case. Interestingly, also, it is in part about the national government trying to get the local plan framework to deliver on its bigger agenda when in fact they probably ought to be playing a more active role in larger scale demographic change—even, for example, a programme of new communities. I am optimistic, because many other jurisdictions manage to do this quite well, or at least with less argument about the different layers of power.

Q105 Baroness Byford: I should like to return to the rural scenario. Given that the Commission for Rural Communities has been disbanded, where do you think that policy should be held? Obviously at the moment it is in Defra, but other witnesses have told us that they think it should be in another department. I should be glad of your views on where you think it ought to be.

Trevor Cherrett: This is a really interesting question. I think the CRC did a great job on information research, although I would say that because I worked for the commission for a while. I was looking in my shed where I keep the old reports. My goodness me, its output right across the board on rural topics was astonishing, with much good advice. But, and there is a but, how much of that got through is patchy. This comes back to the rural proofing problem: how do you influence government? It did not work all that effectively through Defra and it is still not working. I should perhaps remind the Committee that there are a number of bodies, including the Rural Coalition, the Rural England Stakeholder Group and
the Rural Services Network that are doing a terrific job on shoestring budgets to keep the flame alight. They are trying to influence government with a greater or lesser degree of success.

On the question of how that is actually delivered, the commission has to feed into another body that has real power and influence in government. It needs to make sure that departments actually rural-proof. Earlier I asked: why would they not rural-proof anyway? It is part of this country and they should be delivering, but they do not seem to be. There must be a legal requirement that they do so, and at the national level you have to enforce it. There are different ways of doing that, although it is rather like rebuilding the ship. We have different designs, but it could be some sort of rural policy unit in the Cabinet Office. I will hand over to Hugh here, because there are different ways of governing that. However, there is a clear need for greater clout in relation to that happening. It has not happened before.

I will add one more point. My own view is that delivery should be more at the sub-national, regional and local levels, but the policy has to be worked out at central government level. A lot of money should be devolved to regional areas for the reasons I gave before relating to our very diverse countryside and the different problems that need to be dealt with locally. There is an issue about how all that good research and information is dealt with. We have talked about the CRC, which links with the environment, climate change and all the other aspects that need to really impact on government. The problem with Defra is that it has enough on its plate with agriculture and the environment. For one reason or another, I do not think that the department has ever really taken to the rural affairs bit. Certainly now with Brexit the department has more than its work cut out to deal with some really difficult stuff on farming and the environment. Adding all the community stuff on to that does not work, and of course the community stuff is influenced by all departments, so in some way it has to be brought to them all.

The Chairman: But the duty to rural-proof is a bit like the “have regard to” biodiversity that we were discussing earlier. You need to have reporting institutions in place, along with auditing and maybe an enforcement agency. Where would you suggest all that might go? Who would local authorities and the other departments be reporting to?

Dr Hugh Ellis: We talked about different models, but it depends on the core objective of the body. As we have heard, the CRC did well on information-gathering and expertise but perhaps less well on advocacy and influencing policy. The model we have been thinking about is based very much on the Committee on Climate Change model. Interestingly, that develops the greatest clarity of relationship with other institutions and provides for a body that is independent.

One of the things that troubled us about the abolition of so many bodies is that while it is good fun to set about abolishing quangos, the problem is that this nation needs really good data along with very good analysis, information and expertise. We should celebrate that—it is an unpopular
view—and we need to locate it in places where it can be influential, and most important, in places where it can be independent. That challenge is best illustrated by the Committee on Climate Change, which because of the legal framework under which it was set up has some measure of independence, along with a clear reporting framework. It has a host department that it works through, although that has been subject to change and is now BEIS, I think. That is the framework we should head towards, but the critical problem is expertise, knowledge, data and understanding. We desperately need an independent body for all of that.

**Q106 The Chairman:** Thank you. I have one final, all-encompassing question. What one thing would you like to see the Committee saying in its end of term report?

**Dr Hugh Ellis:** We argued about this and could not come up with one thing. I will finish with three things. One is that what really troubles us is the question about who has oversight for England as a whole in its future spatial development as well as its social, environmental and economic development. Who is thinking about those relationships and that geography is a very important point. That is no criticism of any individual, but at the moment there is no body. Not even the infrastructure planning commission has a remit for the whole of England. No one body has the role, and we suffer from that.

Beyond that, it is a debate between two things: an independent body that is critical and a powerful legal duty. To be clear, the legal duty applies in a couple of ways. It certainly needs to apply to Natural England more powerfully in its relationship with planning, and it needs to apply to the rural-proofing issue. The consequences and outputs of a new independent body need to be taken seriously by government, and that can be described as a powerful duty, hopefully more powerful than the one currently described in the 2006 Act.

**The Chairman:** Thank you very much. This has been an interesting session.