

How the present Planning System undermines the best use of land

The most contestable challenge in relation to land use in England is the Planning system. It has allowed the continual construction of uniform unsustainable badly designed housing developments that are so often built on green field agriculturally rich sites. These developments continue despite increasing discharges of raw sewage into our rivers and seas resulting in the pollution of highly protected environments such as AONBs, SSSI and Ramsar sites.

So, is the present Planning System fit for purpose?

Some of the problems that should not exist are a result of the role of government agencies. For example, the role of the Environment Agency as to whether or not a development receives planning permission depends on if the land is under threat from flooding. But the EA only can object to land in Flood Zone 3 which is at risk from river and sea flooding. EA does not object to flood risk from groundwater, surface water, and future tidal risks, even when flooding can be proven by locals. The role of Local Authorities exacerbates the situation even further by not objecting to planning if the EA has not objected.

Local Authorities will not object to inappropriate planning applications without the support from other statutory authorities such as Water companies. However, water companies have a legal duty to connect new properties so cannot legally object to planning even if drainage in the area is inadequate. Highway authorities often have limited knowledge of local traffic conditions. There is not sufficient data researched into the impact developments have on local demographics. Despite the government's rhetoric to Build Beautiful etc. the nation's Local Authorities continue to endorse mediocrity with no demands on acknowledging not only design but setting or sense of place.

It is important that government has a clear idea of what the priorities are for land use. As a result of a changing geopolitical scene there is now much greater concern over energy and food security. But attempts to grow more food in the UK cannot be sustained with the continual roll out of housing across our hugely valuable Grade 1 and 2 agricultural lands. Much of this valuable land is being sold at prices that greatly exceed agricultural values. This discrepancy of value should be divided in such a way that Local government receives a percentage to invest in local 'affordable' housing.

The current presumption in favour of development, which is at the heart of the British Planning System, needs to be reviewed and tempered. Allowing developers to reap the financial rewards of covering the southeast with yet more unaffordable housing that is not needed is detrimental on many levels. Part of the reason why so many planning applications go unchallenged is the iniquitous imbalance of legal representation between developers and Local Authorities. As a result of so much of their finances being cut by central Government there is little that Councils can fight back with when developers have huge funds to draw on for a raft of lawyers, QCs and specialists. A more balanced and moral approach would be to set a 'cap' on costs to both sides.

To achieve greater and more effective coordination of land use policy it is imperative that relevant Ministries do not act in isolation but coordinate to provide 'long lasting' solutions to all these challenges.

In order for Britain to thrive, it has to have a truly democratic governance whereby each recognised problem is resolved through a cross ministry dialogue. Too often solutions are sought from a singular perspective.

Then there is the crucial role of the environment. The key drivers of land use should privilege biodiversity, safety from flood risk and food security to the same degree as it protects landscape quality. The lack of value attached to these issues is unsustainable and fails to recognise the risks of climate change and significant geopolitical shifts.

And what of the state of the nation's environment? It is an appalling situation to admit that Britain has the most polluted rivers and seas in Europe and the worst levels of wildlife biodiversity across Europe. The chief cause of such degradation is man-made. The solution can and should be a complete rethink of the Planning System where greed is subjugated in favour of long-term environmental protection.

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(Joshua Powling – Chichester Observer – May 12th 2022)