

## **Draft New Towns Regulations 2018:**

### **Comments from the Royal Town Planning Institute**

**20 December 2017**

#### ***General observation***

Planning efficiently provided new towns/cities over a long period (1940s-1970s), generally of pretty decent quality and on the whole regarded as a success – using the kind of powers which are now proposed. The RTPI welcomes the initiative the Government to breathe new life into the new towns concept. The key question for us is ensure that the Corporations are sufficiently resourced and that they deliver new towns of quality, in the broadest sense, and actually address the areas of greatest housing need.

In this connection we are concerned about the apparent opting out of the Secretary of State in this process. Who will ensure that locally led new towns are in the most appropriate locations to meet needs from a national and regional perspective, and will a master developer and utility companies have the necessary confidence to invest?

#### ***Question 1: Do you support the principle of enabling oversight of the development of an area as a new town to be transferred from the Secretary of State to the local authority or authorities covering the area in the circumstances outlined in paragraphs 2.1 to 2.4?***

The establishment of new towns requires the complex interaction of land acquisition, cross administrative boundary control, the acquisition or extinguishment of rights, the diversion of rights of way, the strategic provision of highway works and the delivery of a managed and structured long term vision for an area. The powers available to individual and combined local authorities working with development partners are sufficient to deliver these complex requirements, but there is a clear benefit in the augmentation of these powers through the use of Development Consent Orders (DCO).

The key advantage of providing the option for the newly formed development corporations to use this consenting process is that it provides a clear, defined and robust structure for the approval of major development schemes that are ultimately endorsed and given a statutory footing by the Secretary of State. This approach limits the opportunity for legal challenge, provides certainty as to long term delivery and ensures that decisions of national importance are considered and supported by Government.

These arrangements should be specifically identified as an option in the 2018 Regulations.

***Question 2: Do you agree that the proposed list of functions to be transferred and functions that may only be exercised with the consent of the oversight authority is the correct one? If not, please specify which other functions you think should or should not be transferred and why.***

The proposed powers are consistent with those available to a development corporation. The provision of new towns requires more than urban development regeneration and is most effective when it is framed by policy and with it a long term strategy for delivery which is owned and fostered by the delivery body. Policy making is a critical part of the delivery of new towns and these powers need to be provided to the oversight authority to achieve the complex cross boundary delivery of a major nationally important new town scheme. These arrangements would clearly assist the formulation of any proposal and would be of direct benefit in justifying the proposed infrastructure delivery and the overall consenting process.

There is no reference to the powers of compulsory acquisition (and the further miscellaneous provisions) of the Planning Act 2008 (as amended) and in the absence of the option to rely upon the DCO process some further serious consideration should be given to the extension of these powers to reflect these important arrangements.

We note also that there doesn't appear to be a specific power to appoint a development corporation (unless this is meant to be addressed by regulation 3(3)) and it would seem sensible for this to be explicitly stated in the 2018 Regulations.

There may also some possible benefit in relaxing the CIL Regulations to assist these complex schemes.

***Question 3: Where the draft Regulations provide for the transfer of functions has this been done correctly? If not please specify the changes you think are required and why.***

No comment

***Question 4: Do you agree that the draft Regulations appropriately support the delivery of high quality, sustainable communities and their long-term stewardship? If not, how should they go further or include less prescription?***

These arrangements appear to be provided in the form of a simple statement of intent in Regulation 4. There appears to be no measure, sanction or auditing power available to the Secretary of State or to any relevant public body in determination of the quality and control contained in the 'plan' to deliver a 'high quality settlement', to 'support good design' or to ensure 'long term stewardship' from the outset. Again, we recommend that these arrangements are best secured in the context of a clear policy making mandate that it consulted upon, examined and ultimately approved by the Secretary of State and, where possible, the use of DCO powers are made available in delivery of these nationally important projects. It is essential that "new towns" are clearly distinguished in terms of quality and long term communal ownership of assets from the generality of large scale housing schemes.

We think that it is insufficient for the Corporation only to “have regard to the desirability” of good design (Schedule 1, 4 (3)).

It would be good to see tackling climate change included in paragraph 4 of schedule 1 so as to be quite clear that this is a central component of supporting sustainable development. Perhaps building from section 19 of the PCPA 2004 ‘The aim of the oversight authority is .to ensure development and use of land in the development corporation area contributes to the mitigation of, and adaptation to, climate change.’ We can argue that parliament has previously considered it imperative to include a climate change duty alongside sustainable development and the challenge of climate change is no less now than in 2008 when the change to the PCPA was made.

The very difficult issue of funding advanced infrastructure delivery is absent from the draft Regulations and is an essential element to delivery that should be expressly identified and addressed.

***Question 5: Do you agree with the proposals for Board membership set out in Paragraph 22 of Schedule 1 of the draft Regulations? If not, how should these be changed?***

We welcome the proposal that the composition of the Corporation must have a majority of independent members . An example of the benefits of this approach could be the Milton Keynes Partnership which achieved a very impressive rate of housing permission receiving delegated development management powers. It was set up by Central Government with the purpose of increasing the rates of delivery. At each committee there were elected Members from each main political party (at a ratio that reflected the politics of the Council at the time) but there was always one more non politician on the Board from MKP at committees to ensure that, if need be local politics did not fetter development. Between 2005 and 2012 MKP granted 11,000 homes (with supporting community, social, educational and cultural infrastructure), over 4,000,000ft of large footprint employment space, approved briefs, codes and permitted the delivery of advanced grey, green and blue infrastructure.

We would point out however that asking an oversight authority which is composed of local politicians only to make choices of members of a board which by definition must have a majority of independent members on it, is a little complicated. Traditional New Town Corporations at least had government involvement in board appointments which enabled a balance with local political interests. The Government might wish to consider how the role it currently has could be successfully transferred without losing this impartiality.

***Question 6: Are there any issues with the draft Regulations not picked up in the questions above you would like to raise? If so, please set these out.***

We question whether locally-led NTDCs (an administrative mechanism) of themselves will be able to deliver new towns/communities at scale and pace without more control over land (greater ability to capture/share land value uplift), and/or

greater access to funding for voluntary acquisition through direct borrowing (Regs 4h & Schedule 1, 4 (5a) or to back a CPO (Schedule 1, 8a (1b));

We query how this initiative will actually cooperate across boundaries, such that a new town accommodates unmet need from its neighbours? This question of unmet need is one of the most critical ones the planning system needs to address. The draft Regulations mention the possibility of a county council and district councils forming an oversight authority. Arguably though the greatest need for a new town could be beyond but close to a metropolitan area, meaning that a big urban authority like Birmingham or Leeds should also have a stake (and incidentally would have greater in-house skills to offer (development, use of CPO powers, directly owned housing company).

We would recommend that some consideration is given to legacy issues and the long term management and stewardship of the new town. The introduction of community led, charity based management and governing arrangements should be clear identified and explicit in the Regulations. The operation and control of the Rowntree Trust or the Bournville Trust would provide a helpful model for these arrangements and in our view this approach is critical to the success of this initiative.

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On behalf of the England Policy Panel

