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24th March 2006

Dear Ms Howard,

**Re. CALL FOR EVIDENCE - BARKER REVIEW OF LAND USE PLANNING
LONDON BOROUGH OF TOWER HAMLETS RESPONSE**

I write in relation to the Barker Review of Land Use Planning (the Review) to provide you with the London Borough of Tower Hamlets Officer response to the call for evidence.

Tower Hamlets is an inner London borough that is subject to substantial changes. The borough has the highest targets for new houses and new jobs in London, is a key partner in the Thames Gateway Sustainable Communities agenda, and is a host borough for London 2012 Olympic and Paralympics. Combined with our vibrant and growing communities, Tower Hamlets is central to the delivery of sustainable development in London. The Council therefore welcomes the opportunity to participate in the Review and to contribute to the debate about the role, relevance and effectiveness of the planning system in England.

In preparing this response, the Strategic Planning Team has sought the views of a wider range of service department within the Council that have an interest in the Review's terms of reference. Tower Hamlets' response is structured around the key questions identified in the call for evidence.

We trust that these comments are of assistance, and the Council looks forward to further participation in the Review as it progresses. Please contact Kevin Hazell (tel. 020 7364 0441 kevin.hazell@towerhamlets.gov.uk) if you would like to discuss this matter further.

Yours Sincerely,



Jamie Ounan
Acting Strategic Planning Manager

**CALL FOR EVIDENCE - BARKER REVIEW OF LAND USE PLANNING
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Question 1 – Is the planning system sufficiently flexible and/or responsive to the right signals to deliver the right development in the right place, given the changing economic circumstances due to globalisation, demographic change, natural resource pressures and environmental change? If not, what policy measures might help deliver this flexibility?

GENERAL COMMENTS

1.1 Given the extent of changes as a result of the Act, it is considered that at this point the full impact of these changes are yet to be felt and that once fully implemented, any necessary policy changes should be considered at that time.

1.2 In general, there is always a balance to be reached between certainty and flexibility. In the context of the emerging Local Development Frameworks, it is considered that planning at the local level is flexible and responsive and is delivering the right development in the right place. An example of this is in relation to housing, where the London Borough of Tower Hamlets has exceeded its housing targets and continues to deliver substantial numbers of new homes in accordance with national and regional policy.

1.3 Central to continuing to deliver the right development will be the need to deliver strategic outcomes consistent with National and regional policy but in a way which responds to local circumstances. Circumstances are always changing and local authorities are constantly adjusting their actions in order to ensure appropriate development is delivered. There is a need for National and regional policy to focus on strategic matters and to provide adequate scope for flexibility at the local level for this to continue.

1.4 It is also important to note that excessive flexibility can actual hinder the delivery of development. A key part of creating the right environment for market-based decisions is certainty in terms of what the expectations are when development approval is sought. With this in mind, determining suitable levels of flexibility will always be a balance and one which is best determined at the local level.

1.4 The introduction of the requirement in the new Act for the production of an annual monitoring report to review the performance of planning controls against the intended aims and objectives of them is a positive improvement to the planning system and should be a powerful tool to improve the responsiveness of plans at the local level. The introduction of annual monitoring at the regional level is also strongly supported.

SPECIFIC COMMENTS

No	ISSUE	POSSIBLE SOLUTIONS
1.5	National and regional policy which extends beyond strategic matters and takes a more prescriptive approach.	National and regional planning policy should be focused on strategic matters only so that the flexibility exists for the local planning authority to tailor outcomes which deliver the right development in the right place having regard to local circumstances and conditions. As national and regional policy becomes increasingly prescriptive it becomes more difficult for local authorities to respond in a positive way to ever-changing circumstances.
1.6	Being too flexible or market sensitive can serve to undermine the objective of the planning system. Too much of a focus on flexibility to secure short term development at the expense of medium and long-term needs.	A recognition at all levels of planning that in some cases the delivery of long-term sustainable communities will require prescriptive policies. Greater flexibility can undermine the ability to ensure growth and change is supported by sufficient infrastructure in a timely fashion. The increased use of design codes and similar tools which define acceptable outcomes might offer limited scope for delivering outcomes where prescription can be justified.

Question 2 – Do you have any views on the scope of plans at the different spatial levels in England, which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/proactive approach to planning, which was a key theme of the new plan-making system? Does the current system strike the right balance between central direction and regional and local discretion?

GENERAL COMMENTS

2.1 The introduction of the Local Development Framework is a positive improvement to local planning and the spatial focus and strategic nature of the new system should ensure that a positive and proactive approach to planning is delivered at the local level. The London Borough of Tower Hamlets is currently implementing its program of plan making as set out in the Local Development Scheme.

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2.2 There is however a growing concern relating to the role of National and regional policy. As national and regional policy becomes increasingly more prescriptive and more detailed it becomes very difficult to tailor implementation to local needs and problems. There is also a wide range of authorities and agencies that have statutory plan making responsibilities or powers of strategic intervention and opportunities to reduce and rationalise these would be welcome.

SPECIFIC COMMENTS

No	ISSUE	COMMENT / POSSIBLE SOLUTIONS
2.3	National policy moving beyond strategic matters into prescriptive directions.	Whilst the National and regional levels have a substantial role to play in setting national and regional planning policy, it is considered that such policy should be focussed on <i>strategic</i> matters and the <i>outputs</i> required to deliver national and regional planning objectives. This would then allow local authorities the flexibility to deliver development in the local context within the strategic framework set out at the national and regional level.
2.4	Length and complexity of national planning policy.	National planning policy should be stated more succinctly and be focused on outcomes.
2.5	Review time for national planning policy.	The review of Planning Policy Statements must be undertaken quicker and more effectively so that national planning policy is not in a constant state of flux (particularly relating to housing as it has been for a number of years). The timing of national policy statement and circular reviews needs to more carefully consider the local plan making process. The recent introduction of a plethora of new guidance during a national cycle of LDF production raises significant challenges and risks for Local Authorities.
2.6	Usability of national planning policy.	All national planning policies should be contained in Planning Policy Statements. The reliance on circulars and other methods to communicate national planning policies is unhelpful to irregular users of the planning system as there is no easy way of know if another form of national policy exists on a particular subject.
2.7	Regional policy moving beyond strategic matters into prescriptive directions.	The Regional Spatial Strategy (The London Plan) should focus solely on matters of strategic (area wide) significance and co-ordination. The Regional Spatial Strategy should not be a 'development control manual' as this is properly the role of the Local Development Framework and results in duplication and uncertainty for users of the planning system. This problem has been further exacerbated by giving the Regional Spatial Strategy Development Plan status in the 2004 Act.
2.8	The practical role taken by the Regional Planning body.	The Regional Planning Body (GLA) should use the weight of its 'strategic plans' and the evidence supporting them to advocate for changes to the way local authorities undertake their planning responsibilities rather than relying on technical/legal arguments relating to 'general conformity'. The GLA is an excellent resource of technical information which is very useful to local authorities. This research and evidence should be the primary direction given to local authorities rather than overly prescriptive policies.
2.9	Policy that is supplementary to the Regional Spatial Strategy.	The Regional Spatial Strategy should not have 'supplementary planning documents' attached to them. There is no statutory basis for them and they add an additional layer of complexity to the planning hierarchy of plans. The Regional Spatial Strategy should be strategically based, with detailed implementation contained in the Local Development Framework. The Regional Planning Body should use the Regional Spatial Strategy and evidence / facts to ensure local implementation is appropriate.
2.10	Length and complexity of the Regional Spatial Strategy.	The Regional Spatial Strategy should be succinct and accessible to everyone, particularly those in the community, so that the specific directions (particularly relating to new housing, new jobs, locations for change) can be read and understood by the broader public.
2.11	The role of Sub-Regional Development Frameworks.	The emerging sub regional development frameworks appear to add very little value to the regional spatial strategy and don't focus clearly on key sub regional issues. As the document has little material weighting it complicates the planning process and adds to opportunities for developers to exploit any contradictions with local plans and policies.

Question 3 – Sustainable development is the core principle underpinning planning. Does the current system achieve the right balance between economic and other goals, such as the regeneration of areas and the promotion of social cohesion, improving the quality of design of buildings and urban environments, and the protection and enhancement of our natural and historic environment? Are some environmental, natural resource, or social considerations given too much or too little weight?

GENERAL COMMENTS

3.1 The London Borough of Tower Hamlets welcomes the increased focus the new Act places on sustainability and sustainable development. In particular, the introduction of a mandatory requirement for all emerging planning strategies to undergo a sustainability appraisal is a powerful tool to assist in delivering sustainable development.

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3.2 The London Borough of Tower Hamlets is, however, strongly concerned about the need to ensure that new development is accompanied by adequate levels of physical and social infrastructure so as to create a truly sustainable community. One area of concern in particular is the limited scope and provision for local authorities to consider the cumulative impact of changes when making decisions on individual planning applications. Further, national and regional policy can sometimes be excessively focused on single issues (such as housing) at the expense of a more considered, longer term focus on a broader range of considerations required to deliver sustainable development.

Question 4 - What, if anything, could the English planning system learn from the planning and consent systems operated in other countries in order to respond to this new economic environment?

GENERAL COMMENTS

4.1 It is noted that other jurisdictions operate their planning systems in different ways to the one in England but the key to all of them is the need for the planning system to meet the needs of the community and balance competing interests. The London Borough of Tower Hamlets considers that the new Act already introduces many features already found in other jurisdictions, including the increased focus on strategic and spatial plans, and such changes are welcomed.

SPECIFIC COMMENTS

No	ISSUE	COMMENT / POSSIBLE SOLUTIONS
4.2	The need for plans which can be up-dated easily and regularly.	The constant amendment (changes, additions, deletions) of statutory planning documents is a key asset contained in other planning systems. A clear process should be set out by Government as to how local authorities in the UK can take forward partial changes to a document within the Local Development Framework. In order to keep up with changes, it should be possible and relatively easy, subject to a strong evidence base and consultation, for the local planning authority to change some parts of a strategy without opening up the whole strategy for review. An example might be a need to change a single site allocation in a document to reflect a changing use for a site or to give a strategic direction to a new initiative (e.g. the Olympics). Such a partial review should be capable of being started and completed within a year.

Question 5 - What is the impact of planning on encouraging or impeding business investment? In this context, how would you assess the potential of recent reforms to the English planning system, which are now being implemented? Are they increasing the transparency of the system and providing greater certainty for businesses? What further reforms, if any, are desirable in order to improve the transparency and effectiveness of the system still further?

GENERAL COMMENTS

5.1 The London Borough of Tower Hamlets is currently implementing the requirements of the new Act, including producing the Local Development Framework. It is considered that these changes, once fully implemented, will provide an increased level of clarity for business investment. This will be advanced in a large part by the requirement for the Local Development Framework to join up effectively with the Community Plan as well as local economic development strategies. The result is expected to be a situation where plans are based on the realistic needs of the business community with a focus on facilitating business investment in the borough.

5.2 It is also noted that the Statement of Community Involvement, which is currently being prepared by the London Borough of Tower Hamlets, has a large focus on engaging with the local business community and this will reinforce the role the business community will have on plan making.

5.3 In relation to planning approvals, it is considered that the performance system established in England, based around targets, has delivered improved results in making planning decisions faster and this has directly benefited businesses and business investment.

5.4 The balance between flexibility and prescription also impacts on business investment. Whilst greater flexibility may enable plans to be effective as markets change, prescription provides greater certainty and therefore reduces risks associated with business investment. Tower Hamlets has received informal feedback from businesses that the increased certainty of clear land use allocations and clear policies / standards are helpful for business planning and capital investment.

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Question 6 - Is the planning system sufficiently "joined-up" with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?

GENERAL COMMENTS

6.1 In the case of London, the GLA family prepare and implement both the Regional Economic Strategy and the Regional Spatial Strategy and it does these effectively. However, it should be noted that joined up working is resource intensive.

Question 7 - Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?

GENERAL COMMENTS

7.1 The London Borough of Tower Hamlets recognises that the performance system put in place by the Government, supported by the planning delivery grant, has delivered improved decision times for planning applications. However, crude targets does not appear to be the most sophisticated way of ensuring speed.

7.2 An adverse side effect of this system in relation to major applications has been the reality that the complex assessments which often need to be made when considering applications for major projects are having to be done too quickly to ensure a thorough assessment is made and to ensure stakeholders and the broader community are able to engage with the process.

7.3 In reviewing the process associated with planning applications for major projects, it is considered that a more flexible approach needs to be developed which places quality and timeliness as equal factors in the processing of major applications. The move towards a more collaborative approach between the local planning authority and the applicant could offer possible improvements to the system. However, this will also have resource implications.

SPECIFIC COMMENTS

No	ISSUE	COMMENT / POSSIBLE SOLUTIONS
7.4	The need for consultation.	Many major planning applications can have a significant effect on the local community and it is important that the processing of such applications has sufficient time allocated for engagement with the local community. The Statement of Community Involvement represents a key tool in seeking to ensure that this happens, especially prior to an application being submitted, but the focus on targets can undermine a more inclusive approach.
7.5	A more collaborative approach to setting a timetable for major applications should be developed.	An alternative approach to the current 12 week target for making a decision on a major planning application may be to establish a target which assesses the extent to which a decision is made according to a timetable negotiated with the applicant. This could be underpinned by a minimum target so as to capture those circumstances where agreement cannot be reached but it is considered that applicants and the Council have a joint interest in agreeing a reasonable timetable and that such an approach would represent an improvement on the current 'target only' approach.
7.6	EIA applications should be exempt from 12-week limit.	For applications which must be accompanied by an Environmental Impact Assessment, the scope of information which needs to be considered is extensive and complex environmental assessments need to be reviewed, checked and considered. Within this context, the 12 week target is unrealistic and should not apply to such applications.
7.7	The role of the regional planning body in planning applications.	<p>It is recognised that some very large applications have strategic implications and it is therefore appropriate that there exists a statutory requirement to involve the Mayor of London. However, there is an increasing tendency for the GLA's input to be less focused on strategic matters and more focused on matters of details (such as design) or procedural matters (e.g. whether an application should be an outline application or one seeking full planning permission).</p> <p>It is considered that this focus on non-strategic matters by the Mayor of London creates a 'dual' local planning authority situation which complicates not only the processing of the application but also the parties involved.</p> <p>In order to ensure that the involvement of the Mayor of London and other regional planning bodies is effective in the planning application process, it may be appropriate that the government defines, by way of national planning bodies, the type of strategic level matters</p>

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No	ISSUE	COMMENT / POSSIBLE SOLUTIONS
		which are appropriate for detailed consideration at the regional level. This would then leave the large bulk of matters for the proper consideration of the local planning authority.

Question 8 - Is there evidence to suggest that the direct costs of making a planning application are deterring investment? Are there any unnecessary burdens/how might information requirements be streamlined to reduce the regulatory burden from the process of making an application?

GENERAL COMMENTS

8.1 The London Borough of Tower Hamlets has no evidence that the direct cost of making a planning application is deterring investment. It is recognised however that the planning system can be complex, particularly for irregular users such as small and medium businesses. Therefore continued effort should be put into simplifying the planning system.

8.2 This response has already highlighted many areas where a clarification of roles and the simplification of policy at the national and regional level would play a large role in reducing complexity and the Local Development Framework should work to achieve this at the local level.

Question 9 - To what extent are high occupation costs in England likely to be due to planning constraints, or due to other factors such as imperfect competition or lack of transparency in the land market? What is the economic impact of these costs in terms of the main drivers of productivity?

GENERAL COMMENTS

9.1 The London Borough of Tower Hamlets is not aware of any evidence or research which supports the contention that high occupation costs are due to planning. We would obviously be very interested in reviewing any such evidence that might be commissioned as part of the Review's work.

Question 10 - How does the planning system impact on competition, through influencing barriers to entry and exit and economies or scale? If there are areas where there is a negative impact, how can these be addressed, while protecting other goals of the planning system?

GENERAL COMMENTS

10.1 It is recognised that some barriers to entry do exist due to the complexity of the planning system and reducing these complexities should be a priority for all levels of government. In particular, it is important that the planning system is accessible for small and medium businesses who may not have the resources to work through the complexity of the system that larger businesses do.

10.2 In addition to changes which reduce complexity, there is a major role to be played by all in disseminating information and guidance about how to navigate the planning system. This may be in the form of 'plain-English' guides as well as formal structures (such as business advice services within a Council) which allow irregular users of the planning system to work through it effectively.

Question 11 - To what extent does the planning system effectively support innovation through fostering the formation of business clusters and wider agglomeration of economic activity?

GENERAL COMMENTS

11.1 The planning system strongly supports innovation through the formation of business clusters and the wider agglomeration of economic activity. The successfully Canary Wharf focused business cluster, which will continue to develop, is a high profile example of this but smaller scale examples, including those relating to the creative industries, can be found in many places.

11.2 It is however recognised that the planning system tends to support the on-going development of such clusters rather than starting them owing to the difficulty of predicting in advance the conditions which might be conducive to clustering. There is also difficulty associated with 'reserving' land for a certain type of clustered activity where demand does not exist for the activity to take hold and dominate the market.

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Question 12 - Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?

GENERAL COMMENTS

12.1 The changes associated with the new Act, and its requirement to have better integrated plans with other strategies (such as economic development strategies) is a positive change and the effects of it are yet to be felt. The London Borough of Tower Hamlets also takes a 'Development Team' approach where the making of planning decisions is done in close collaboration between all relevant parts of the Council and it this has produced good outcomes for the borough.

12.2 Planning education is an area where some improvement could be made, with economic development and awareness being a greater element of planning training. There could also be a role for the Regional Development Agency to take a lead in training about the broader role which economic development plays in the planning system.

Question 13 - Are the new arrangements for stakeholder engagement in the plan-making process succeeding in engaging those representing economic interests, including SMEs? If not, what are the barriers to that engagement and how might they be addressed?

GENERAL COMMENTS

13.1 Whilst the new Act is yet to be fully implemented, the changes it has introduced do seem to be succeeding in engaging those representing economic interests. To date, the London Borough of Tower Hamlets has had very good involvement from local businesses (through the Business Forum) in the development of the new style planning documents. Further, some businesses collaborated in their response to Local Development Framework consultation and this should be encouraged.

13.2 It is recognised however that it is always easier to reach larger businesses, particularly those which have an interest in land development or have expansion plans. Larger organisations also tend to have dedicated resources to apply to engagement activities.

13.3 The main barriers to the engagement of small and medium sized businesses tends to be the reality that such businesses generally do not know in advance when they will need to encounter the planning system (by way of a planning application) and therefore on what issues they should be responding. There could be a role for the Regional Development Agency or the Small Business Service to advocate on behalf of small and medium sized businesses.

13.4 There also needs to be recognition that the local authority, in representing all interests in the community, plays a role in advocating and planning for small and medium sized businesses. This role is no more important in relation to the current trend for employment land, which is often vital to the success and growth of small and medium sized businesses, being turned over for housing development against the local authorities wishes. It is important that all levels of Government recognise that their decisions may be detrimentally impacting on small and medium sized businesses and should reconsider the validity of their approaches where this may be the case.

13.4 And as has already been noted, any actions which reduce the complexity of the planning system would assist everyone, including small and medium sized businesses.

Question 14 - Are there ways that the incentive structure for decision-makers and local communities can be improved so that a balance is achieved between local interests and the interests of the wider community regarding proposals for economic development?

GENERAL COMMENTS

14.1 The London Borough of Tower Hamlets believes that the recent changes to the planning system should be given an appropriate opportunity to be implemented and work before any new substantial changes are made.