

## RIBA



Kate Barker  
Barker Review  
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22 September 2006

Dear Ms Barker

Please find enclosed a series of comments from the Royal Institute of British Architects on your recent *Review of Land Use Planning* interim report and analysis.

I am very keen that the RIBA should remain close to you and your team on the development of your proposals between now and the publication of your report later this year. We will, of course, respond to subsequent stages such as further Government consultation on any recommendations your report may make. The RIBA not only has strong views on the role of design within the planning system, but also a wealth of experience from its membership who, by the nature of their work, have experience at close quarters of the planning system.

I look forward to welcoming you to the RIBA for lunch on 1 November. In the meantime, if I or any of my colleagues can assist you and your review team in any way, please do not hesitate to get in touch.

Yours sincerely

A handwritten signature in black ink that reads "Jack Pringle".

Jack Pringle  
President

## **Barker Review of Land Use Planning**

### **Interim Report - Analysis**

### **Comments by the Royal Institute of British Architects**

#### **Introduction**

The Royal Institute of British Architects is one of the most influential architectural institutions in the world, and has been promoting architecture and architects since being awarded its Royal Charter in 1837. The 35,000-strong professional institute is committed to serving the public interest through good design. It also represents 85% of registered architects in the UK through its regional structure as well as a significant number of international members. Our mission statement is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

#### **General remarks**

As the foreword to the interim report states, the Government has driven through a number of important reforms to planning in recent years – in particular the Planning and Compulsory Purchase Act 2004. That legislation introduced significant changes to the planning system whose impact is only now being fully understood and implemented. For that reason it is clear that the interim report suggests a direction of travel that will not seek to introduce similarly fundamental changes to the planning system. We concur that any major remodelling of the planning system so soon after those legislative changes would be undesirable while those reforms take effect.

We note the absence of other major recommendations for change in the interim report, but anticipate that the final report due later this year will contain specific proposals for consideration by the Government. We look forward to responding to any such recommendations and hope that the Government will engage with the RIBA, where appropriate, on their development and implementation. However, like the Royal Town Planning Institute, we would be wary of proposals for further statutory changes to the system.

The report is at its most authoritative on the subject of economics and improved efficiency, but less convincing when it comes to issues of community and environmental interests. The account of the renewal of Shoreditch and Hoxton on pages 129-130 is very significant. It is a case where interesting and fruitful things happened when small-scale local interests challenged rigid planning policies applied by the local authority, which responded by bringing about reform of its planning department and a more flexible approach to building use.

Our view is that the report does not recognise sufficiently the potential, enthusiasm and responsiveness of small-scale and local enterprise. Smaller businesses are likely to be less well-represented than big business interests in how they respond to studies such as this report.

As a general comment, the RIBA does not feel that the report recognises clearly enough that there are two separate overarching issues in any discussion of the planning system. The first of these is how well-run, efficient and timely the operation of the system is. If this is dealt with properly then the business community can be assured of better outcomes without negative impacts on other interests. The second key issue is the extent to which the planning system favours business interests as opposed to community and environmental interests. The RIBA believes that this is the key balancing act of the system, and is a matter of political and administrative judgement and leadership at national, regional and local levels.

We also feel that the report concentrates too much on quality of process and not enough on quality of outcome. In other words, there needs to be greater recognition that achieving well-designed places is now an overarching goal of the planning system. The RIBA, alongside others such as the Commission for Architecture and the Built Environment, has argued successfully for design to be given a greater emphasis in planning policy statements, in particular *Planning Policy Statement 1: Delivering Sustainable Development* (PPS1) which contains the following crucial statement as a key principle for the planning system:

*“Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.”*

The fundamental link between good design and good planning bears constant repetition. We would welcome further moves towards ensuring that planning decisions are assisted by those skilled and/or qualified in design. Since the establishment of CABE the concept of design champions has begun to be understood and applied but progress has been patchy. We would support the appointment of design champions in regional assemblies, regional development agencies and local authority cabinets – champions who are duly empowered to give a clear lead and insist on the importance of good design.

We are disappointed that the interim report does not recognise clearly that skills and labour shortages within the planning professions are still contributing to process problems. These shortages are separate but related issues. The lack of resources, low morale and self-confidence in local planning authorities is very real and must be remedied. We urge investment to develop a planning system in which planners are valued and equipped with a sound understanding of design.

We applaud recent efforts by the Government to improve the efficiency of the planning system. In 2005 we published *A Manifesto for Architecture* which called for simpler procedures for small scale planning applications, and encouraged the Government to examine delegating planning paperwork for all straightforward cases to approved planning consultants. The purpose of that recommendation was to reduce unnecessary burdens on an already over-stretched planning system by streamlining processes wherever possible. Since then the Government has developed the Householder Development Consents Review with precisely that objective in mind. We are pleased that the Department for Communities and Local Government has invited the RIBA to assist that work.

Again with speed and flexibility in mind, it seemed to us perverse that the planning system was a disincentive to domestic renewable energy generation. As the Housing and Planning Minister has stated on several recent occasions, the planning system should not stand in the way of those seeking to run their homes with minimum impact on the environment. We would of course add businesses to any such statements, and we welcome recent moves by the Department for Communities and Local Government – given impetus by the Climate Change and Sustainable Development Act 2006 – to reduce the regulatory burden on microgeneration. Again we are delighted that the DCLG has invited input from the RIBA on the development and implementation of new planning rules in this area. Similar work by the DCLG and Cabinet Office – involving the RIBA – is examining how Building Regulations can similarly be tempered to encourage sustainable development. We would hope that the final report by the Barker Review will examine further how the planning system can best serve the Government’s environmental objectives alongside its economic objectives. And we await with interest the development by the Government of a new planning policy statement on sustainable development.

### Detailed comments

We would like to submit some detailed comments, referring to the paragraph numbers in the Executive Summary to the interim report.

*1.12 The planning system has experienced substantial reform in recent years.*

The recent reforms to the planning process introduced by Planning and Compulsory Purchase Act 2004 (PCPA) should be given a chance to come into effect and for their effectiveness to be assessed before further major reforms are contemplated. The PCPA has not yet been fully implemented by all local authorities. Further support and encouragement should be given to local authorities and their elected planning committees and planning officers to gain effective ‘buy-in’ to the changes to the planning process.

*1.13 There has been some significant progress in terms of local authority development control processes as a result of recent reforms, with almost 80% of all planning applications now decided in eight weeks.*

The RIBA questions if there really has been significant progress here. The number of applications determined within the eight- and thirteen- week targets may have increased, but many of these decisions are summary refusals or the applications are withdrawn under threat of refusal notice within the time-scale. Section 1.19 of the report highlights the fact that refusals for major applications have grown from 13% to 25% and minor non-domestic refusals from 15% to 25% over the last six years. There is growing evidence that these targets are being manipulated to achieve local authority income targets but at the cost of an increased number of planning appeals and with the unintended consequence of further delays and burdens in obtaining valid planning approvals.

The RIBA recommends that the final report should recommend a full investigation of the effectiveness of the current time targets. The eight- and thirteen- week targets need to be balanced with penalties for not properly considering planning applications. For example, the local authority should incur a reduction in its Planning Delivery Grant (PDG) or a fiscal penalty for every local planning application that gains planning approval by appeal, if its earlier refusal or dismissal by the local authority can be shown to be linked to meeting the time target.

1.14. *Some recent reports have suggested perverse outcomes from the local authority targets, such as late registration of planning applications.*

The evidence from RIBA members is that this is indeed happening. We concur with the evidence submitted by the Royal Town Planning Institute that we need to develop better and more effective evidence-based means of assessing the effectiveness and timeliness of planning systems and decision-makers, and of assessing the quality of their outputs rather than relying on process-based targets.

1.15. *There are some concerns that Local Development Frameworks are jargon-laden and over-engineered.*

We would echo this concern, as we feel that LDFs contain a great deal of redundant material which either restates national policy or is platitudinous. The RIBA recommends that the Barker Review considers the establishment of a rigorous framework for the format and content of all planning guidance which can be easily understood and applied by both applicants and the development controllers.

1.21. *While it may impose economic costs, it is right that the planning system turns down inappropriate proposals or imposes necessary conditions.*

We support this assertion, but would argue that there is a need for 'sticks' as well as 'carrots' for planning authorities such as greater fiscal disincentives for bad decisions. In other words, there should be a far greater presumption that costs will be awarded when planning committee members refuse permission unreasonably, going against the valid recommendations of the planning officer.

1.21 *There are often local interests against development.*

There is a difficult balance to be struck between national planning interests and local democracy representing local interests which are often very resistant to change. We suggest that this problem can be addressed by a greater emphasis on proactive spatial planning as part of the plan-making process, supported by the Environmental Impact Assessment process.

1.31 to 1.33 *London West End occupation costs of £,98 per square foot are the most expensive in the world.*

Costs are indeed high but demand is also high. As well as balancing supply and demand we feel that there is an important design quality issue here which is not acknowledged either in this section or the rest of the report. The RIBA agrees that 'planning plays a significant role in determining price' by regulating supply and amount and type of development. This is an expected outcome of being a densely populated developed nation but the high land values are unnecessarily exacerbated by the burdens (cost, time and political uncertainty) of the planning process.

## Key points

- The reforms brought about by the 2004 Act appear in practice to be making the system more complicated, not simpler.
- The system continues to suffer from interrelated staffing issues of shortages, low morale, high turnover, high proportion of temporary personnel and resulting lack of consistency, and lack of continuity of attention. This is a significant cause of the problems in the operation of the system, certainly in London.

- The system is clogged up with minor applications which do not merit the time devoted to them. We therefore welcome the Householder Development Consents Review.
- LDF documents are often over-complicated, unnecessarily long, platitudinous and unfocussed.
- Some current planning targets have been had counter-productive effects. These need to be reviewed.

## **Key recommendations**

- Local and regional planning authorities should devote more time to proactive spatial planning (not 'land use planning' – the title of the report is oddly out of date) and less time on Development Control.
- Less time should be spent by applicants and authorities on householder consents and minor applications, by whatever means.
- Planning decisions should be assisted by those skilled and/or qualified in design. Properly equipped and empowered design champions should be appointed in regional assemblies, RDAs and local authority cabinets.
- The Department for Communities and Local Government should undertake a review of the eight- and thirteen- week time targets.
- A rigorous framework for the formal and content of all planning guidance should be established.
- There should be a greater presumption that costs will be awarded when planning committee members refuse permission unreasonably, going against the valid recommendations of planning officers.