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27 March 20

Dear Mr Howard,

Barker Review of Land Use Planning - Consultation

With Regard to the Barker Review of Land Use Planning please find attached the County Council's responses to Questions 1-15 in Annex 1. The responses are limited by the short time available since becoming aware of the call for views. I look forward to further consultation on these important issues.

I hope the attached comments are of assistance. If you have any queries please call me on 01603 222787.

Yours sincerely
Isabel Whitehead
Planner

Continued....

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Annex 1 – Questions and Answers

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?

Generally speaking the planning system is flexible, and there is little evidence that it is a significant or unwarranted constraint on the overall economy. There may be issues relating to the new system that reduce flexibility – for example the need all LDDs to be identified in the LDS makes it more difficult for an LPA to react to changing circumstances. Increasing levels of community involvement could also act to reduce flexibility in the planning system, through increasing the time taken to revise/amend development plans. Conversely, the ability for local authorities to produce/amend LDDs relating to specific topics or circumstances does provide the potential for greater flexibility.

I enclose a copy of the Norfolk Employment Growth Study undertaken last year by Roger Tym and Partners for the Norfolk LGA, EEDA and EERA. It demonstrates that the principal constraints on the Norfolk economy are issues around promotion, skills and learning, and the provision of transport infrastructure. It does not identify the process of town planning as a constraint. With regard to land and premises it concludes that land supply is likely to be sufficient and constraints on sites relate to market conditions and the ability to overcome infrastructure needs with public support. Town planning constraints referred to are those issues that would need to be addressed in any regulatory system interested in the public good (e.g. access, archaeology, competing uses).

The planning system is fundamental to the wider promotion of more sustainable building and design, and should have greater powers to ensure sustainability criteria are met in new development. Increased emphasis on design in recent years is welcomed and this should be continued. Better design can reduce lifetime costs and may help overcome public opposition to many projects. However, it is vital that other regulatory processes, in particular Building Regulations and fiscal measures, support the highest environmental standards.

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?

There is a need for much clearer national policy covering the balance of growth between regions and the need for development that is of national or multi-regional significance. The latter could include clear Ports and Airports policy. A lack of such a policy was a principal reason for delay at the Terminal 5 Inquiry.

PPSs have done little to overcome the deficiencies of PPGs. There seems little point in every district council in the country developing endless variations of the same policies. For overall generic issues the Government should produce good practice policies that LPAs can deviate from, but only with justification. The ability to adopt a suite of nationally approved policies would save considerable time.

The development of RSS has demonstrated that the gap between Regional-level and District-level planning is too wide, and will lead to a disjointed and incoherent process with limited locally applicable strategy and with conflicts between districts that are increasingly difficult to reconcile. The East of England is diverse and issues that are truly regional are actually quite limited. However, the sub regions and city/regions are central to delivering sustainable development and economic growth. Sub regional planning should become the key element of RSS, and legislation should be amended to allow sub regional SPDs, as in London.

The new system is unwieldy. The scale of the problem can be illustrated by analysis we have undertaken. With 7 districts and 7 adjoining districts, we expect to be formally consulted on LDF documents around 375 times in the next 2-3 years. While this averages over 10 per month, in practice consultations will not be evenly distributed through time. This will cause us significant problems; it is difficult to see how businesses or community groups with wide geographical interest can engage in such a system.

The more positive approach advocated and potentially enabled through the new system is welcomed i.e. making planning more a system for 'enabling' development, as opposed to purely a regulatory function. In practice, however, many LPAs will spend so much time delivering plans they may have little resource left to help to deliver development

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?

The successful integration of economic, social and environmental objectives has not always been achieved in the past. However, there appears to be increased awareness of the contribution that planning can make to the realisation of these three objectives (particularly the ways in which planning and design can contribute to social sustainability through the provision of better quality environments). Research has demonstrated clear links between the quality of an individual's surroundings, and their well-being, behaviour and level of care shown for their environment.

Despite this, there remains a tendency for sustainable development to be viewed primarily in the context of one (or two) factors, at the expense of the other(s). Further progress needs to be made towards achieving a more integrated approach, and this must be continued through the use of the three-stranded model, whereby social, economic and environmental considerations are each given appropriate consideration. However, it must be recognised that environmental capacity underpins all other development.

If the government is serious about sustainable development there is a need to continue to advocate the 'sequential approach' (removed from draft PPS3) in order to give general priority to the redevelopment of appropriate urban brownfield land over remoter greenfield sites. It is essential to reduce the need for travel, improve air quality and accessibility in all new development in order to achieve sustainable development. However, it must also be recognised that brownfield development is not always the most sustainable option. It may be poorly located or have developed significant nature conservation or recreation value. A further example is the classification of gardens as brown field land. Gardens are integral to the character of towns and villages and to the quality of housing design. They are of aesthetic, environmental and social significance and are too readily lost to development or

parking.
<p>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?</p>
<p>Lessons can be learnt from the USA that the functional separation of land-uses through rigid zoning policies rarely fosters successful or vital communities, and that the nature of much footloose out-of-town development means that these development patterns rarely provide a firm basis for economic development or regeneration. This evidence can be used to justify the current promotion of more compact, mixed-use urban development through planning policy, which ultimately will make for more stable and balanced communities. The success of emerging approaches to planning and design such as New Urbanism and design-coding should be monitored closely. Lessons can certainly be learnt from Dutch and German planning, in terms of more successfully integrating new infrastructure with development. Evidence from France, where unattractive strip development and large scale out of town shopping is common, demonstrates that highly-localised decision-making can lead to insufficient consideration being given to the wider impacts of land-use decisions. This provides further justification for the continued need for sub regional strategic co-ordination and involvement in the determination of planning applications and formulation of planning policy.</p>
<p>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?</p>
<p>See above. There is a need to reduce the total quantity of consultation enshrined in the new system.</p>
<p>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?</p>
<p>Regarding RDAs and RSS, experience has been mixed in the East of England but improvement is perhaps more a matter of continued effort on all sides rather than further legislation/regulation.</p> <p>It is impossible to provide “join-up” between the RSS and other aspects of government policy as the latter is so short term. The development of the East of England Plan has demonstrated that the Government is unable to commit to long term transport investment, and indeed reneged on, or at least postponed, commitments during the process.</p>
<p>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</p>

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?

Too much emphasis is currently placed on speed, at the expense of quality; a situation compounded by the large number of Performance Indicators and processing-deadlines. These lead to prioritisation of these particular areas of work (which may not always be the most crucial to effective service-delivery). Other areas of work will inevitably be de-prioritised as a result, and informal contact with the public and developers is likely to be reduced (pre-application discussion, advice etc.). This acts to de-personalise the system, which in turn is likely to impart an image of planning as being an inflexible, adversarial and largely regulatory function – the opposite vision to that desired.

One possible approach that could be investigated is the use of LDOs which could provide a tool for speeding up the processing of applications in certain areas. Their use, in conjunction with a design-code, could help to ensure that high-quality development is delivered with minimal delay in key development areas.

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?

It is extremely unlikely that the direct costs of making an application would deter medium and larger companies. However, there might be issues for very small companies and individuals. LPAs could be encouraged to provide greater assistance to small businesses to help them through the process. But this must be consistent with the regulatory function and is difficult to envisage in the context of the resource demands of the new system.

Online application forms should facilitate the submittal of planning applications through standardising requirements.

A major reason for lack of private investment is the inability of Government to provide sufficient investment and commitment to infrastructure, particularly transport. This is a particular deterrent to further investment in some hard to reach areas of the eastern region.

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?

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?

PPG13, PPG6 and PPS6 have all helped to contribute to promoting certainty and a level playing field (the town centre) where retail/leisure competition can take place. One

problem with allowing greater out of centre development in the name of competition is that very few players are large enough to take part – it might encourage competition among the very few major retailers who dominate but at the expense of small business and the new entrants for the future.

Increased diversity in town centres could be encouraged by the use of Section 106 agreements to require that schemes reserve a small number of affordable units for local or Independent businesses.

The allocation of large areas for housing can favour volume house-builders who can build to standard designs. The wider application of design-coding (as mooted in PPS1) would place all house-builders on a more level playing field, through its requirement for designs/layouts more grounded in local context. There is a need to find mechanisms that allow the sub-division of larger allocations into smaller plots for a range of developers to help alleviate this situation and increase design variety.

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

The planning system fosters clusters through specific allocations, for example science parks limited to R&D.

The current approach to retail and leisure planning strongly supports clustering in the most sustainable location, the town centre.

There is a particular problem fostering office based clusters in town centres where residential development is capable of outbidding commercial development. Moreover, residential development can be more attractive than retaining vacant sites for the longer periods that characterise the commercial development cycle. This situation is occurring in Norwich and resulting in a certain amount of dispersal. The delivery of employment development in town centres, whether speculative or bespoke, is a major issue that this review should address.

The pursuit of policy directions favouring mixed-use development must be supplemented by the provision of more adaptable buildings. This will provide greater flexibility, and will encourage the development of innovative clusters and SMEs – businesses that are notoriously difficult to plan for due to their footloose nature and unpredictable economic performance.

Planning obligations (Section 106 agreements) could be used to require that developers provide a number of affordable units as part of any scheme; similar to the approach adopted in the provision of social housing. Although they are already subject to a range of burdens, perhaps developers of large housing schemes could also be required to provide a number of business starter-units on site.

Restricting development to a limited range of uses (e.g. restricting development to B1 R&D) is not the only means of fostering innovation and cluster development. The nature of innovative businesses is that they emerge unplanned, develop linkages as and when necessary and do not necessarily meet standard criteria for high-tech/innovative industries. As such, they are extremely difficult to plan for, and the most effective means by which the planning system can encourage their development is likely to be through the

provision of adaptable buildings and starter-units.

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?

There can be a lack of understanding on all sides. While with training it is possible for local authority planners to have a better understanding of development costs and feasibility, the greater challenge might be for the development industry to embrace the need for sustainable development. Positive attitudes to development would be fostered if the quality of development is improved and it can be seen to make a positive contribution in all aspects of sustainability.

Awareness of issues concerning sustainability has improved immensely in recent years, but whilst the concept is relatively well understood and appreciated, many of the tools applied to further the achievement of sustainable development (SAs, SEAs etc.) can be unfamiliar, daunting and sometimes confusing.

This situation can be alleviated through increased education in these topic-areas; specifically focussing on the positive role that planning can have in fostering design solutions and outcomes that are both economically viable and sustainable. These areas should be more extensively covered by university courses. Local workshops could be arranged by regional RTPI/RICS branches. The interaction and opportunity for discussion and debate provided by small workshops would be beneficial in increasing knowledge and awareness of key issues.

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?

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?

15. Economic development can help achieve the regeneration and renaissance of urban and rural areas. Are there ways which planning could strengthen economic performance in regions, sub-regions (including city regions) and at the local level?

Regional and Sub Regional planning helps foster an approach which considers the wider effects that land-use decision making can have on an area. In particular, the adoption of a sub-regional approach encourages decision-makers to consider how decisions made in the urban areas of the region will impact adjacent rural areas. The likely result of this is a region which works within its capacity and is relatively self-sufficient - local decisions are not made without due consideration of the wider impacts that they may have on an area. This can help achieve a more balanced and stable economic climate, whereby adjacent districts work in partnership and are not necessarily in direct competition for footloose investment. The present weakening of sub regional planning through the demise of Structure Plans (and their implementation at plan making and application stages) is likely, to result in local level decisions without sufficient consideration given to the impact this will have on adjacent areas. There is a need to find a replacement mechanism to deliver sub-

regional planning effectively.