

Barker Review of Land Use Planning

Observations of Dru Vesty, Estea Ltd, 85 Quentin Road, London SE13 5DG

My observations are based on the following qualifications and experience:

- Chartered Member of the Royal Town Planning Institute in 1975, followed by Fellowship in 1994, plus MBA from Henley Management College 1998.
- 10 years' as a local authority Town Planner, progressing via 5 promotions from Planning Trainee to Chief Planner in charge of all local authority planning work in the eastern two-thirds of the London Borough of Tower Hamlets;
- As the original Principal Planner for the London Docklands Development Corporation, setting up and running the development control system and also organizing the production of development frameworks to assist public and private sector investment (£7.7bn private sector investment attracted in 17 years)
- Planning negotiations with John Mowlem plc to establish and then expand London City Airport. Chief Corporation witness at original public inquiry;
- Production of the development strategy and framework for the 300 hectare Royal Docks, designed to transform it into an internationally significant development site and to back up large scale Compulsory Purchase Order of major land assets;
- Research and negotiations with local authorities and a wide range of interest groups to secure planning consents for L.D.D.C. owned land, without public inquiries, for 1 million sq ft mixed use developments including a new UK Exhibition Centre (now Excel), the Royal Albert Dock Business Park; and a 100,000 m² retail centre.
- Delivery of the design and construction of an award-winning £270 million infrastructure programme as the precursor to large scale private investment, including all necessary planning consents and statutory approvals;
- As the first Director of Property Development for British Gas Plc, setting up a development team able to deal with the company's legacy of 300 heavily contaminated ex-town gas manufacturing sites, including planning and contamination specialisms;
- As a Director of a Private Finance Initiative Consortium company, securing planning permission for hospital projects ranging from £25 to £100m including large scale housing developments on surplus NHS land.

Responses to Questions in Annex 1

1. No, the planning system is not sufficiently flexible and responsive to deliver the right development in the right place, given the pressures posed by globalization, demographic change, natural resource limitations and environmental change.

The policy measures needed are radical and would involve ODPM admitting that the recent reform of the planning system was inadequate. Nor do they deal with the fact that most planners in the UK are neither trained nor required by the system they operate to understand and to appreciate economic imperatives.

Development Plans thus tend to fossilize existing economic patterns. Also most contain a welter of policies and it is usually possible for a local or interest group objector wishing to prevent change to cite one or more of these when lobbying local authority members or planning officers.

In addition, 'Process driven' burdens have been imposed in recent years, e.g. requirements for Environmental and Sustainability appraisals in situations where they are of marginal utility to the decision making process. These cost heavily in time, money and effort.

There are also no effective sanctions against delay or incompetence on the part of local authorities, either members or officers, apart from appeal to an overloaded inspectorate. Planning Delivery Grant is, presumably, only a short term palliative for a system which requires root and branch reform.

The system worked better before S54a required adherence to the current Development Plan as an over-riding imperative. Before this was introduced, development control planners were allowed to treat the Development Plan as only one material consideration. It made their task more dynamic and positive as new forms of development could be treated on their merits, with research to assess the economic and local impact as well as thorough public consultation.

A development should be shown to produce demonstrable harm to a locality for it to be refused, not merely to adhere to a predetermined and inadequately researched Development Plan.

To illustrate the difference in approach, as a development control planner in the 1970's I could recommend planning permissions for supermarkets in impoverished inner city locations where people needed access to cheap good quality food at a time when the development planners were claiming sites should be retained for a vanished manufacturing base and the new jobs would be 'womens' jobs', not for male manual workers. The stores I dealt with were instantly popular locally.

The key policy measure required would therefore be to revert to the previous system where the Development Plan would be only one of the factors governing a development control decision, and not necessarily the over-riding one.

A review should also be undertaken of the Environmental Impact Assessments introduced as a result of new EU regulation. I cannot believe that other EU nations have made these apply to such small scale developments or so restrictively as in the UK.

Improvements would also be possible if planners understood business imperatives. I personally think that no planner should qualify without the ability to prepare and assess a development appraisal, giving them the ability to understand and negotiate with the private sector using the same parameters. The software now exists for this to be practicable.

Also sanctions have to be built into the system to reduce delays. Developers and end users need certainty and this is not being delivered.

The most effective planning department I have dealt with in recent years ran itself on the basis that consultees were disregarded if their views did not arrive on time, including all statutory consultees, and a decision notice was issued within 8 weeks which clearly set out the reasons for refusal. The applicant was then allowed one more 'free go' but at least knew after 8 weeks exactly what had to be done to secure a consent. The planners concerned worked extremely hard and were a joy to deal with.

Government guidance could commend this system to planning authorities, and make their inability or unwillingness to follow it a factor in a subsequent appeal. Shortages of planning staff must be partly due to the fact that the current planning system is wasteful of time and talent and therefore less attractive to young people than many other careers.

The result of a flawed system can be a general malaise in the departments concerned. I have just been told by my own local planning department that a consent notice for the renewal of permission for a conservatory on the rear of my house has been 'stuck in a printing delay' for 6 weeks and no longer has priority, being outside the 8 week period needed for the Council's Planning Delivery Grant targets. The officer concerned lacked motivation and seemed not at all bothered by this failure of basic administration. She did not see herself as responsible for a service to customers.

ODPM has also added to uncertainty in recent years, by over-riding decisions recommended by inspectors after lengthy public inquiries.

2. My familiarity with the new system of plan making is limited, although I went through it when it was introduced out of a latent professional interest.

It struck me then that development planners were supposed to include local economic interests in their consultations as only one factor among many. Also business people are frequently too busy to spend time responding to the type of nebulous questionnaires being sent out under the new system. They need a rapid and constructive response when they need a planning consent and policies which encourage new initiatives, including ones they themselves request.

My over-riding impression of the new system was that it had become dominated by the environmental and 'sustainability' interests who no doubt had the time and public funds to lobby during its preparation.

3. I was interested to see that your brief states that sustainable development "is the core principal underpinning planning." This fashionable concept was not in use during the 18 years in which I ran and worked in planning departments with a good track record of encouraging economic development at the same time as keeping local residents happy. Also its intellectual basis should be treated with care when the United States, China and other emerging nations are producing a far greater impact on the planet than the United Kingdom.

Generally, the planning system should keep its scarce time and energy available for obliging developers to produce buildings of greater quality than the ones they replace and to passing the test of avoiding demonstrable harm to existing residents and/or damaging environmental and traffic impacts for local businesses.

4. Considering the planning and consent systems of other nations would be useful and I am assuming that you will be commissioning research into this before making recommendations.

I can commend to you 'Bigger Faster Better More: why some countries plan better than others' by Alan W. Evans and Oliver Marc Hartwich, published by the Policy Exchange in June 2005.

5. Planning in the UK is impeding rather than encouraging business investment for the reasons set out above. Suggestions for reform are also given, both above and in the June 2005 Policy Exchange documents.
6. The planning system is not 'joined -up' with other aspects of government policy, particularly with regard to the transport links needed to promote new growth areas and to justify restrictions on car parking in inner city areas.

The Regional Level of Government is not democratically accountable in the UK and does not appear to be particularly effective.

7. Planning applications for major projects take far too much time to work through the 'necessary stages'. I was amazed that the Kings Cross scheme had been 6 years in the making, has just scraped through Camden Council on a vote and is now subject to late objections by Transport for London (and also, presumably, a decision by ODPM on call in for a public inquiry so that all the arguments can be re-rehearsed.)

Planning applications in Docklands for an airport, a 1 million sq ft shopping centre and major exhibition centre were dealt with by rigorous analysis of the research required into all forms of impact and agreement of timetables both for this research and for the handling of the applications. These timetables were measured in weeks not months, promulgated widely and adhered to.

The work on the retail centre and the exhibition centre complex was sufficiently thorough for the Department of the Environment to justify the lack of a 'call in' for public inquiry. The airport did need an Inquiry and the Inspector's report confirmed the Corporation's proposed decision as the planning authority.

The planning appeal system could be speeded up by firm timetabling and a restriction on the time allocated to witnesses to protract proceedings. The decisions could also be issued more quickly, especially those made by ODPM.

8. The direct costs of making a planning application are only unhelpful if it is not possible to obtain an outline permission on the principle of the development before spending considerable sums on detailed plans, environmental impact assessments etc.

The regulatory burden could be reduced by removing impositions on sustainability and environmental impact assessment in cases where they are of obviously low relevance to the decision.

9. High occupation costs are due to planning constraints where they limit the areas where development can occur or be intensified to meet new market demands. The economic impact of these costs in terms of the main drivers of economic performance depends on the proportion of cost represented by the costs of occupation in any one industry.

They also depend on whether there are other locations acceptable in the UK when permission is refused cf. biotech companies setting up outside the UK if they cannot secure permission for a location near Oxford or Cambridge University.

Compared with the planning system, lack of transparency in the land market and imperfect competition are not great constraints. They are less under the control of the state.

10. The barriers to entry and exit and economies of scale could be addressed through the planning system by government requiring planners to consider them along with other goals of the planning system. The 'demonstrable harm' test would be useful here, although not in terms of merely preventing business competition e.g. protecting one supermarket chain from the impact of another.
11. The planning system can be enthusiastic about business clusters as a concept but has insufficient understanding of commercial practicalities – or the money – to promote them. It would do better to provide an efficient and helpful planning framework for the private sector to provide clusters if they are a good idea commercially.
12. Planning authorities do not have the skills and resources required to help promote economic development – and they will not obtain them unless the government creates the correct policy framework.
13. For the limited exposure I have had to the new system – via my local planning department assuming that my business allows time to engage with them on an agenda purely of their making – the new stakeholder arrangements are not working well. They are no substitute for reforming the planning system to make the economic development of the UK an important consideration.
14. The Policy Exchange papers set out an incentive structure for decision makers and local communities to be improved so that a balance is achieved between local interests and the interests of the wider community as regards economic development.

They would entail a wholesale reform to the system of local government finance, allowing local communities and their elected representatives to create both success and failure. They would also drastically reduce the power of central government to direct affairs departmentally at a local level. The government needs to think hard about whether it is prepared to let local initiative dictate results in the ways proposed.

15. Planning could strengthen economic performance by understanding economic imperatives, including the impact of globalization and the need for certainty and a sensible decision making process.

This would result in planning placing emphasis on the factors important to business, including the creation of attractive environments and good quality transport and parking systems, as well as an efficient, transparent and fully accountable planning control system.

