

Barker Review of Land Use Planning

CABE's response to the call for evidence

Introduction

This review has given the planning, architecture and development world an opportunity to ask; 'why do we need planning?', 'what role does planning, particularly land use planning, have in a modern globalised world?' and 'how can we make planning better?'

The English planning system, which has operated more or less unchanged since the 1940s, has two main functions. First, it is a creative process that provides the vision behind the development of our urban and rural areas. This type of planning is a positive force in making the most of an area's assets for the benefit of local communities.

Planning also performs a regulatory role in the management of development to meet the objectives set out the local vision. This regulatory function is the public face of planning and the part that most ordinary people interact with, for example when seeking permission to extend their own house. With some justification, it is commonly seen as bureaucratic, reactive, uncertain and obstructive.

Importantly, planning also allows public bodies and the private sector to look ahead and plan the provision of physical and social infrastructure. This is one reason why CABE supported the renewed emphasis on plan led development in the new planning system and why we don't agree with those who have called for forward planning to be replaced by pure market driven land use management. While it is difficult to predict the future exactly, investment decisions on the scale needed to provide roads, railways, schools, hospitals and parks and public spaces need to take place in a framework that allows priorities to be decided. We welcome the opportunity the new planning system brings to do this, though we are concerned that it should not become overly bureaucratic and that it should allow quicker decision making rather than increase complexity. We think some adjustments will be needed to achieve this.

CABE believes that planning should be about setting agendas and taking places forward, not micromanaging individual development projects. We want to see a planning system that concentrates on making sure that the right framework is in place to create excellent buildings and spaces.

Planning has always been about managing the use and development of land to maximise benefits and reduce negative externalities for communities. This has sometimes been portrayed as trading between environmental, social and economic objectives.

Bad planning happens when attention is unduly focussed on one objective to the detriment of the others. Unfortunately, examples can be seen all around us. The post war social housing programmes often placed social objectives above the economy and environment which led to badly located, unpopular housing not supported by vital facilities or access to jobs. Similarly, the drive to achieve short term economic goals in the 1980s led to a growth in low quality out of town 'sheds' which are now unpopular with workers and employers alike.

We believe planning should not be about trading, but about maximising the benefits across economic, social and environmental objectives – all of which can reinforce

each other. Good planning can be a real contributor to achieving this triple bottom line. We believe that good design has a central role in making this happen.

We have been working hard since the publication of the Planning Green Paper in 2001 to mainstream design in planners' day to day activities – from plan making to detailed development proposals.

Planning is moving in the right direction and design is increasingly seen as being central to the delivery of the homes and places that people demand. But there is still a long way to go before we have a system that delivers quality places and a quality service.

CABE believes that we need good planning to deliver good design. Good planning should be focussed on enabling and facilitating delivery of quality places – not over-regulation. It should be more creative and less reactive.

This paper looks at planning in the context of changes to the way other sectors, for example utilities and financial services, are regulated. We think there are interesting parallels and lessons that can be learnt from overarching trends in regulation.

CABE then sets out what it thinks the planning system's priorities should be. The world is a very different place from the one the English planning system was set up to respond to. We should recognise this and give planning a new direction.

CABE has attached its response to the questions set out in the Review's call for evidence document in Annex A to this paper. We have not tried to provide an answer to all questions since many of them lie outside of our core area of expertise. We are happy to provide further explanation of any of the points we have raised in the annex.

Planning as a regulatory framework

We believe that the current interest in the role that land-use planning plays in the economic fortunes of the country should be seen in the context of the setting up of the Better Regulation Commission at the 2005 Budget. The drive to reduce administrative burdens and move towards a situation of 'less is more' is very relevant to the current review.

Why do we say this when many people see planning as a largely democratic process? We believe setting the vision for a community and providing the leadership and resources to deliver it is, absolutely and vitally, a democratic political process. It's one of the most important things national, regional and local government should do. However, the way the delivery process is then managed through development control can be arbitrary and, we believe, unfair. We aren't aware of anyone who has drawn attention to the way this may impact on fair competition between businesses in the development sector but we think this is an important issue, not least when it comes to our core interest – the design and management of the built environment.

Two brief examples serve to make the point. They are based on a series of Chatham House Rules conversations with the major housebuilders. Housebuilder A had a site which was being developed in three phases as part of a larger development where several firms were building homes. A's scheme gained the CABE/HBF Building for Life Standard. It met very high environmental standards. Housebuilder B on the neighbouring site didn't meet these standards and B's salespeople mocked A's environmental measures to potential customers (including the CEO of CABE on a

mystery shopping expedition). A has had to relinquish its option on phase three of the development to a housebuilder who can get planning permission for a lower standard scheme because A cannot compete while building to higher standards. A has been forced out of the development because of inconsistent regulation which has allowed lower standards, leading to lower build costs, enabling less quality conscious developers to pay a higher residual value for land. A believes there should be a minimum baseline for design and environmental quality enforced nationally to create a level competitive playing field. We believe this unfair competition was facilitated by poor regulation.

Developer C is well known for the quality of design in its developments. It recently had to sell a site in the West Country to assist its cash flow. C had obtained planning permission for a high quality development with a good layout. Developer D bought the site from C based on the value of the scheme which had planning permission. D then applied for a less well designed and laid out scheme, got planning permission for it and was able to make more money as a result. Had C done the same it wouldn't have needed to sell the site. C naturally feels that the regulatory system has let it down.

Neither A nor B had thought of this in terms of fair competition until they spoke to CABE. Because councillors sometimes (but not always) play a part in poor regulation people tend to look at the political and local community issues and allow them, important as they are, to blind them to the reality that good regulatory standards should be the norm in the planning system. Both developers now feel that reform is needed to achieve more consistent decision making, to create a level playing field and to drive up quality. Is this really the role of regulation?

We have a "mixed economy" of regulators¹, whose form, purpose and function vary across the types of sector that they regulate. This includes regulators that help formerly nationalised strategic "pipes and wires" industries to foster competition while preventing companies from exploiting dominant market positions - to less naturally monopolistic markets, where existing competition requires light-touch regulation focused on preventing asymmetrical information and bolstering consumer confidence.

The overarching trend in all regulation is a shift from merely improving efficiency to a mandate to drive up standards. Recently, public services and utilities were looking to the Financial Services Authority (FSA) for principles of good regulation. The principles listed below were published by the FSA in 2000 and require regulation to:

- Be efficient and economical in allocating and deploying our resources
- Hold a firm's senior management responsible for that firm's activities and ensuring it complies with regulatory requirements (reducing unnecessary intrusion into firms)
- Impose only restrictions on firms that are in proportion to the expected benefits to consumers and the industry.
- Facilitate innovation by avoiding unreasonable barriers to entry or restriction on existing participants launching new products or services.
- Consider the international character of financial services and markets and the desirability of maintaining the competitive position of the UK
- Avoid unnecessarily distorting or impeding competition

¹ *A New Regulatory Agenda*, Dieter Helm, Social Market Foundation, January 2004

The purpose of regulation is one hand to protect direct and indirect consumers from any negative externalities but also to provide a level playing field for service providers - in this case, developers - to work within. This recognises that, whilst operating in competition with one another, developers need to work within certain boundaries to ensure the long term growth of their sector.

In this respect, planning and building control can be seen as the core regulatory frameworks for the development industry. It is in the development industry's interest to ensure that no single part of the sector acts to reduce market or public confidence in their product. Planning therefore acts as a 'glass floor' that prevents the worst excesses of a 'race to the bottom' competitive market. Relaxing planning control or reducing standards would only have the effect of re-positioning that glass floor whilst at the same time increasing the effect of any market externalities.

However, planning as a regulatory framework often fails against the FSA tests because it is applied inconsistently. Whilst planning should be responsive to local conditions, CABE believes it should be applied fairly with maximum certainty and predictability for all.

Linked to this is the concept of Strategic Regulation developed by the Better Regulation Task Force (now Commission) and the Treasury's Hampton Report published in March 2005.

Strategic Regulation "reflects the changing role of government from a top-down provider of public services to an enabler of citizens and consumers that tackles market failures"(IPPR, 2005)². Strategic Regulators should:

- Go beyond efficiency and be aimed at driving up standards.
- Judge from the perspective of the end user.
- Seek value for money for the public in the regulator itself as well as the regulated.
- Allocate resources proportionate to risk: leave the excellent alone and focus on the poor performers.
- Carry out work in partnership with other public bodies to avoid duplication.

CABE believes that planning shares many characteristics with Strategic Regulation. Because of the interaction between local democracy and planning decisions it may be contentious to propose changes to achieve greater consistency nationally across the planning system. Nevertheless, CABE believes it is essential that the government gives this serious consideration. Whether it is achieved by a national body or by a system of improved regulatory management at regional or local level, competition must be made fairer. Standards must be driven up for customers and the community. Developers must have greater certainty that they will only be allowed to build if they meet common minimum standards for design. In fact common minimum standards are already delivered through the building regulations for structural elements in buildings so this may not be as radical an idea as it seems at first sight. The government is consulting about the Code for Sustainable Homes. CABE and English Partnerships are currently developing Building for Life into a tool to set baseline design standards for housing developments. We have Design Quality Indicators for non-residential buildings and the new Place Consultation Tool for public spaces. These tools and others such as design codes leave plenty of scope for

² The Regulatory State, Dan Corry, IPPR, 2003

creativity and for local character to be expressed but all still require consistent regulatory practice for them to work well.

Recommendation 1: Government should investigate and consult on ways to create a consistent regulatory framework through the planning system which meets the criteria of strategic regulation and those aspects of the FSA's published principles of regulation that are of relevance to the planning system.

Recommendation 2: Any regulation of the development industry, including through planning, should be based on the principles of sustainable growth. This means that the sector should be permitted to grow, unless that growth curtails the opportunities for future growth.

Recommendation 3: Maximum certainty and predictability should be built into the planning system through good quality plans, policies and guidance at the national, regional and local levels. The plan-led system should not only be retained but reinforced and better resourced.

Below is a brief exploration of the relevance of each of the points above:

Go beyond efficiency and be aimed at driving up standards.

From CABE's point of view, this should be read not only as the need to drive up standards of service delivery, but of the quality of places. Planning policy statement 1³ states that "*good design should contribute positively to making places better for people*".

Recommendation 4: The Review should endorse the policy test set out in PPS1 to positively make places better for people. This requirement is the best way to secure continual long term improvement to the quality of our urban and rural areas.

Judge from the perspective of the end user.

We think that planning should be more responsive to how people use a place, and the impression they form during that use. The quality of building and landscape design, how easy it is to move through the network of streets, and how safe they feel in a space are more important to users, we believe, than common planning concerns based on use classes or street hierarchy, for example.

Recommendation 5: Planning should act to improve places from the perspective of those using the buildings and spaces that are created. This should be achieved through applying standard urban design principles to the creation of these places, and measured by surveying the satisfaction of end users, eg through post-occupancy tests.

Seek value for money for the public in the regulator itself as well as the regulated.

The planning system does offer value for money based on its current remit. For the price of a planning fee, developers are able to draw on significant expertise that helps them identify development opportunities. However, CABE believes that planning can offer better value for money for its for communities and end users of the

³ Planning Policy Statement 1, OPDM, 2005

places it creates, by diverting resources currently engaged in development control to front end plan making.

Recommendation 6: National, regional and local government should make a commitment to invest in front end spatial planning. Resources currently engaged in development control should be diverted to plan making functions through greater de-regulation of small scale development.

Allocate resources proportionate to risk: leave the excellent alone and focus on the poor performers.

We do not believe that the current planning system works in this way. Development control, for example, often seeks to control extremely detailed matters – more so than local communities often require it to do so. We believe planning should move towards a more risk based approach which establishes principles for development which do not limit creativity in delivery.

Recommendation 7: Local authorities should establish parameters for the control of development through their development control functions. Generally, these parameters should be drafted to enable and facilitate creativity in placemaking. In line with PPS1, Development control should not be used to impose particular tastes – nor should it be used excessively to control detail. Sometimes, for example where development needs to be integrated into a sensitive place, the need for detailed control should be set out clearly in development documents. . Additionally, local authorities should be encouraged to make full use of local development orders with local guidance of sufficient detail to ensure the resulting development is of the highest quality.

Carry out work in partnership with other public bodies to avoid duplication.

Planning is well placed to bring together a number of delivery agencies and regulators. The spatial planning system introduced by the Planning and Compulsory Purchase Act 2004 places planning at the centre of delivering places. But we do not believe that planning is currently fulfilling this role. This is partly because of the lag in getting other agencies – for example deliverers of infrastructure – on board, but also because of the resources currently engaged in reactive development control planning that may be better applied to more proactive spatial planning.

Recommendation 8: The Government should act to ensure that the spatial planning system established by the Planning and Compulsory Purchase Act 2004 is able to coordinate the effective delivery of local infrastructure. This should be assisted by increasing resources directed into this sector, partly through redirecting resources currently engaged in development control.

Priorities

We believe that the review presents an opportunity to get the most out of the planning system. For us, this means ensuring that it delivers the highest quality outcomes possible. To do this we think that the review should focus on the following priority areas:

1. Delivering quality design

As Gordon Brown said in September 2005:

“Design is not incidental to modern economies but integral; not a part of success but the heart of success; and not a sideshow but a centrepiece”

Design isn't just about aesthetics. It is about how buildings and places function and the wider benefits that they can bring. Research carried out by CABI and others shows that well designed buildings and places can bring significant and wide ranging benefits⁴

Recommendation 9: The core objective of the planning system should be good placemaking - the delivery of high quality buildings and spaces. If we concentrate on creating well designed places, then the social, environmental and economic objectives that planning seeks to achieve will flow from those places.

2. Flexible buildings and spaces

CABI recognises the drive behind the review to increase the flexibility and responsiveness of the planning system. But we believe the review should focus not only on planning processes but on their outcomes.

There are far too many examples of buildings that have been built for a particular use and at a particular time that are now redundant. We need to get it right from the outset. Buildings and spaces should be capable of adapting to differing uses – and planning should recognise, welcome and encourage this natural process of evolution rather than trying to control it.

Recommendation 10: In the context of creating the highest quality places, the uses buildings and spaces are put to should have in-built flexibility. CABI would welcome the establishment of a pilot to further investigate barriers and issues surrounding the creation of flexible places.

3. Incentivising quality

The current planning system relies on a system of centralised command and control which tends towards the lowest common denominator. Whilst planning has a role in ensuring that lowest level is acceptable in terms of reducing negative externalities, there is little scope for improving standards.

Rather than the slow and thankless task of continually trying to raise the minimum standard, planning should provide a framework for rewarding excellence. This could be done by providing financial incentives to developers in the shape of fiscal measures, or by incentivising LPAs through refocusing best value performance indicators and planning monitoring returns to encourage quality.

Recommendation 11: Government should encourage the local delivery of high quality places through providing incentives to developers and LPAs. These can be both direct financial incentives, for example through tax measures, or indirect. For local authorities, this could mean putting in place quality monitoring arrangements that affect their funding, much in the same way as they are currently incentivised to deliver brownfield development. For

⁴ *The value of good design*, CABI, November 2002; *The value of public space*, CABI, March 2004; *Does money grow on trees*, CABI, March 2005; *The impact of office design on business performance*, CABI, May 2005; *Physical capital*, CABI, June 2005.

developers, incentives might be created by demonstrating the value that good design can create to their shareholders.

4. Resourcing

CABE believes that many of the failures of the current planning system can be attributed to the sustained lack of resources directed into the sector. Rather than less planning, we need better resourced more effective planning. Planning Delivery Grant has helped, but more is needed.

But we also need to make better use of the limited number of people with the right skills. Development control currently uses significant resources and should be replaced with a more risk based approach to development management which frees up resources that would be better directed into strategic proactive spatial planning

Recommendation 12: National, regional and local government should make a commitment to invest in front end spatial planning. Resources currently engaged in development control should be diverted to plan making functions through greater de-regulation of small scale development.

5. Increased certainty and predictability

Most of the complaints levelled at planning relate to issues around lack of certainty. The review should therefore look at ways in which certainty can be increased whilst allowing for a high degree of responsiveness to local conditions. Examples are discussed below but this could include an increased use of design coding or pattern books combined with Local Development Orders, or by freeing up certain elements of planning control such as use as discussed above.

These priorities are reflected and explained in our answers to the questions set by the review which are set out in Annex A of this response.

Recommendation 13: Local authorities should establish parameters for the control of development through their development control functions. Generally, these parameters should be drafted to enable and facilitate creativity in placemaking. In line with PPS1, Development control should not be used to impose particular tastes – nor should it be used excessively to control detail. Sometimes, for example where development needs to be integrated into a sensitive place, the need for detailed control should be set out clearly in development documents. . Additionally, local authorities should be encouraged to make full use of local development orders with local guidance of sufficient detail to ensure the resulting development is of the highest quality.

Annex A:

CABE's response to many of the questions set by the review is set out below

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?

CABE believes that there is more to this debate than the availability of land for development. Indeed, anecdotal evidence collected by CABE during the writing of *Better Places to Work*⁵ suggests that rather than there being a shortage of land for economic development – ie commercial and industrial uses – there is actually a surplus.

As well as a responsive process, CABE believes that the planning system should work to create flexible responsive places. Much of our valued historic environment exists because the structure of the building or place has been able to respond to technological and social changes. It would be hard to imagine how call centres that are being built today could be converted into desirable residences or even tourist attractions as their industrial revolution counterparts are.

We therefore need to ensure that the planning system delivers flexible and responsive spaces. Buildings should be designed to be put to residential, commercial or retail use with minimal disruption to the fabric of the building or the quality of place. Of course, this approach requires such buildings to be sited in similarly flexible neighbourhoods that can support potential changes in use. In particular, this requires the availability of social infrastructure in order to support changes from commercial to residential use.

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?

CABE welcomes the current central direction which has placed quality high up the agenda – and we welcome the increasingly proactive approach planners are taking across the range of their activities. We are however concerned that the emerging plan making regime is overly complex in places and may act as a barrier to implementation.

We would therefore welcome clarification of the relationship between the different types of document that make up a local development framework, and how LDFs relate to emerging regional planning documents. The government should also clearly set out the respective roles and the inter-relationships of the various regional organisations and agencies.

⁵ Better Places to Work, CABE and Llewelyn Davies Yeang, 2006,

There may be a good case for some rationalisation of agencies at the regional level. The current patchwork of multilayered bodies and functions is over-complex and does not seem to be permitting the correct degree of agenda setting required for sufficiently proactive planning. CABE would welcome a broad debate around this issue.

Additionally, the current system does permit design led development frameworks etc but CABE would wish to see further improvements which make these documents the norm.

We are also concerned that spatial planning is not adequately resourced for it to be effective, with too many skilled planners engaged in development control fire-fighting. Planning should be searching for ways in which this resource can be released so that it can be better engaged in delivering spatial planning.

A better resourced spatial planning system will be better and providing the framework for decisions on physical and social infrastructure. This was one of the core elements of spatial planning, but there does not seem to be much change in behaviour since the new plan making regime was introduced. This needs to be addressed as a priority.

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?

Planning has sometimes been portrayed as trading between environmental, social and economic objectives. CABE does not see the planning systems' job as one of balancing competing objectives, but achieving outcomes that add environmental, social and economic value. Good design plays a central role in delivering wide ranging benefits that can flow from development.

Bad planning happens when attention is unduly focussed on one objective to the detriment of the others. Examples of this can be seen in the post war social housing programmes or the drive to achieve short term economic goals in the 1980s.

CABE would therefore caution against any attempt to promote one objective above the others. Any understanding of what is good for the economy has to be bound up with knowledge of what is good for society and the environment – and the interlinked nature of all three.

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?

CABE would recommend that the system of design control which operates in many parts of the US be looked at to see if it is suitable for UK conditions. Development rights have not been nationalised in the US as they have in the UK, and so Americans enjoy greater freedom to develop. This means that design control has to be based around providing fiscal incentives to comply with codes or pattern books.

This method could be used in the UK to roll out development that may be subject to a Local Development Order – and ensure that it meets the highest possible standards in terms of design quality. Thus the approvals system would be speeded up and once set, the code can be used as the basis for decisions in perpetuity – thereby permitting a high degree of flexibility and adaptability whilst maintaining a high standard. Such a system need not just be confined to new build developments. A code or pattern book could be drawn up - in partnership with stakeholders - for an existing area. This would enable existing areas to be improved gradually as the financial incentive motivates landowners. Indeed, in return for a high degree of flexibility – and the existence of tax breaks for compliance – an even higher standard of design could be sought by the LPA.

Additionally, CABE believes the Dutch system of development management would help to provide greater certainty, predictability and speed. The Dutch development control system is operated solely by officers who interpret policies and guidance that have been approved by their elected members. This system recognises that as long as the right policies are in place, there is no need for continual involvement by Councillors.

CABE would welcome further examination of both of these methods of increasing the flexibility of planning whilst maintaining - or improving – levels of quality.

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?

Evidence collected for *Better places to work* and *The impact of design on business performance* suggests that business is increasingly seeing well designed workplaces as central to their competitiveness. The planning system should therefore be promoting the highest possible standards of design in order to attract, accommodate and retain these often footloose businesses.

On a more general scale, good design will improve the country's 'shop window' and encourage inward business investment – particularly in the cultural economy.

CABE believes that providing flexible buildings that are capable of being put to different uses without requiring express permission (or indeed relaxing the Use Classes Order 1995) would help to encourage business start up and investment. Allowing people to start businesses in their own home – or remain in their own home once the business becomes the dominant use – will provide a significant incentive for potential entrepreneurs.

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?

CABE believes that the current patchwork of agencies at the regional scale does not permit the proactivity and direction necessary to deliver consistently high quality results.

We would therefore suggest that the work of these agencies be brought together under a single banner. This does not necessarily mean reorganising this level of government root and branch – but increasing interaction and singularity of direction. Giving regional government a stronger and clearer single voice will enable better communication with business and developers – and lead to higher quality results implemented when needed.

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?

CABE would suggest that the current system still places too great an emphasis on speed of decision rather than quality of decision and speed of implementation. The current system promotes an increasingly adversarial culture where refusal of an application is considered preferable to negotiating a successful outcome. We recognise that the government is working hard to correct this historical culture but there is still a long way to go.

The review should therefore call for the focus to be shifted from speed of planning decision to improving the speed of the wider process of bringing schemes to completion. In terms of planning, this means improving the quality of the decision and the quality of the customer experience.

CABE would therefore recommend that the review supports the current Planning Delivery Agreement (PDA) pilot being run by the Advisory Team on Large Applications (ATLAS) and the Planning Advisory Service (PAS). There may also be scope to roll out PDAs to smaller scale applications which are not currently covered by the pilot.

As well as improving the quality of development control procedures, LPAs should ensure they have clear and unambiguous policies and guidance in place – since this is where developers' dialogue with the planning system often starts.

Of course, improving the quality of our planning system cannot be expected to be done on the cheap. The review should therefore call for increased resources to be directed into the planning service to make it more compatible with the service that business, developers and the public expects. The planning delivery grant has helped, but because it is essentially temporary in nature, this has rarely resulted in more and better levels of staff resourcing.

The planning appeals system should be seen as a last resort. The emphasis should be on ensuring a higher rate of approvals by improving transparency, quality of local policies, and quality of service delivery.

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?

In answer to the some of the questions above, CABE have suggested adoption of the approach to building places which are flexible in terms of the use they are put to. This would also permit a streamlining of delivery since the buildings are able to be adapted to suit the needs of the occupant without necessarily attracting the requirement for a change of use application.

Additionally, we have suggested that the US model – where development rights are increased through an LDO but compliance with a predetermined design code is encouraged through fiscal incentives – might also be worth attention as a way of streamlining the planning process.

CABE believes that it is not so much the direct cost of making an application that deters business investment, but the lack of certainty of outcome. The planning system can therefore make itself more business friendly by becoming more predictable.

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?

Restricting development rights over land through the planning system has clearly had an impact on the cost of purchasing land which is capable of development. However, the only way this could be achieved would be to remove all restrictions – thereby removing scarcity. This is not, however, a valid option.

Through delivering good design, the planning system is capable of bringing economic benefits to an area that may cancel out the economic impact of land scarcity. Indeed, allowing a free for all would do significant harm to the economic chances of the country through allowing low quality development and reducing efficiencies.

Taking the example of density, building at a certain density level permits places to work efficiently. Building at much lower densities will mean that the infrastructure needed by a discrete number of people will be much more onerous to deliver.

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?

We know skills and resources are lacking in planning authorities and this should be addressed as a priority.

Planning Delivery Grant has helped lever in resources into the planning system – but it is only a temporary measure and so LPAs have been unable to make long term commitments to more and better skilled staff. Improving both the quantity and quality of staff in the planning system is the only way we are going to see long term sustained improvement.

To do this, LPAs need increased long term funding. This could either be through funding direct from the exchequer or through increasing and ring fencing planning fees. We would welcome creative solutions from the review to the problem of sustained funding for more and better staff.

We also need to make better use of the resources available. Planning is currently overly development control led – with significant resources used in fire-fighting applications that would be better utilised in delivering spatial planning. We need to move planning from a reactive and regulatory approach to a more coordinating spatial and strategic role. It needs to concentrate on enabling and delivering the excellent, not preventing the bad.

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?

CABE believes that best value monitoring returns should be geared towards encouraging the delivery of high quality outcomes. This is something we have consistently called for – BVPI's are a powerful motivator for local authorities and the best way to change behaviour.

CABE is currently working to identify ways in which quality can be measured and we hope to be able to share the findings from this work in the future.

However, in the absence of a measure of quality – we would call on the review to recommend that existing speed related indicators are dropped. These disincentivise the delivery of quality and focus attention on matters that are not directly relevant to the creation of places – or delivering them in a timely manner.

Additionally, better quality places will act as a greater incentive in themselves. Much of the anti-development stance in certain areas can be traced to the low quality of the product that they are being asked to accept.

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?

Planning should not be seen as a barrier to economic development – or a brake on the economy at large – but a way in which the economic chances of the country can be maximised. CABE believes that the delivery of good design is central to creating and sustaining a strong economy. Additionally, design quality helps to deliver other social and environmental objectives that in turn bring economic benefits.

CABE therefore calls on the review to recommend changes to the planning system which increases the emphasis on the delivery of good design.