

Barker Review of Land Use Planning

Response of the Landscape Institute

The Landscape Institute (LI) is the Chartered Institute in the UK for Landscape Architects, incorporating designers, managers and scientists, concerned with enhancing and conserving the environment. The LI promotes the highest standards in the practice of landscape planning, design, management and research, representing members in private practice, at all levels of government and government agencies, in academic institutions and commercial organisations.

The Landscape Institute welcomes the opportunity to respond to the call for evidence for the Barker Review of Land Use Planning. The Landscape Institute is committed to improving the quality of design of urban and rural environments and to the protection and enhancement of our natural and historic environments. The priority that is given to these in current government guidance is an important part of achieving worthwhile results. Accordingly, there should be no weakening of the governments resolve to continue to give a great deal of weight to these matters.

In response to specific questions asked in the call for evidence:

- 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?*

The Planning system will need to incorporate the requirements of the European Landscape Convention (ELC), which has now been signed and, it is assumed, will soon be ratified.

Regarding environmental change, there is a shortage of knowledge in professional circles in the public and private sector about the predicted impacts of climate change and the best ways of addressing this at a local level, particularly when dealing with planning applications or masterplanning projects. The LI is developing policy to ensure its members are better informed about the impact of climate change and how to address it a local level. However policy needs to be developed across a wider professional group. In particular a change to a more flexible attitude to multi-functional greenspace will need to be adopted. Recreation areas may need to be flood-storage and attenuation areas. Layouts of masterplans in urban areas may need to consider more fully environmental factors such as prevailing wind direction and building layout/greenspace alignments and arrangements to maximise solar gain where appropriate to reduce urban heat islands etc.

- 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?*

The changes to the planning system introduced in 2004 have failed to date to convince most observers, professional or otherwise, that either greater clarity or greater speed in decision making has resulted or is likely to emerge. There is greater emphasis on local discretion as

compared to the previous system, but there is a real risk that the complexity of the system, with a plethora of documents in the Local Development Framework (LDF), leads to confusion and ultimate disengagement by communities. Whilst the LI welcomes opportunities for specific local guidance on, for example, landscape character to be addressed in specific local development documents, it acknowledges that where there is likely to be a plethora of such documents, this does little to emphasise its importance or to make such advice accessible.

Landscape architects are asked to assist in producing planning documents including policy and guidance and also Sustainability Appraisals. The absence of central guidance on what is intended by the new planning system's requirements and reluctance to provide and share what is viewed as good practice leads to confusion and uncertainty. There are a number of themes that are common to many district or borough planning authorities and that will be addressed via multiple SPDs. These could be expedited by the use of a suite of templates of model documents produced centrally (perhaps by ODPM?) with allowance for local variation as required. Examples might include planning gain/developer contributions; energy efficiency and use of micro-renewable energy sources; affordable housing. Such documents could provide standardised (and best practice) content, thereby saving time and adding certainty for developers and local planning authorities. It would be for local planning authorities to add appropriate additional content relevant to local context and needs and to highlight any variation from standard content in the interests of openness and transparency.

Within the hierarchy of planning documents, particularly from Regional Spatial Strategies down to the local level, an emphasis on guidance on green infrastructure is required to set this important requirement within a regional framework. Hierarchies of spaces and functions should be identified with presentation of linkages and corridors taken through to more local levels within planning documents.

As an example, within some Market Renewal areas (HMR), there is a need to make stronger linkages with the regional spatial plans, so the HMR work does not become a series of unconnected masterplan, each isolated from wider geographical and community context. The importance of green infrastructure plans need to be emphasised on a regional and more local scale.

- 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 the areas and the promotion of social cohesion, improving the quality of design of building 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 Landscape Institute is committed to improving the quality of design of urban and rural environments and to the protection and enhancement of our natural and historic environments. In our view the system allows too little attention to be paid to improving the quality of design of buildings and urban environments. This is not universal, but particularly in the area of volume house-building too little attention is paid to local distinctiveness, sustainable construction and materials and design quality. This applies to landscape design as well as building design.

The value of landscape and how this can be protected and enhanced through the planning system is often omitted or not addressed in a way which clearly assists other land-use oriented

lower tier plans. Guidance should set out the value of landscape and the nature of development and land uses which are consistent with that value and which are likely to have potential to adversely affect those values.

The promotion of social cohesion is difficult to measure and its success is a long-term objective. The current system does not encourage local authorities to continue support to local initiatives that have been set up to promote and support social cohesion. Therefore one initiative might be commenced, but not seen through and then another started. Even involving organisations like Groundwork (that has expertise and a remit in these areas) does not always guarantee that continuity of approach.

In terms of historic environment, there is a huge variation in the quality and approach taken in conservation area appraisals. This has a knock-on effect in terms of the protection and conservation that is afforded to conservation areas both in terms of existing buildings and the quality of new build and public realm (particularly when contributed by new developments). English Heritage has a role to play here in terms of providing guidance and potentially supporting those authorities that lack skills.

The LI considers the signing and ratifying of the European Landscape Convention will provide further direction in terms of the weight that should be attributed to the landscape, ie the environmental and natural resource issues and the LI believes that there should be no weakening of the government's resolve to give a great deal of weight to these matters. The ELC needs further interpretation, but the LI believes it is a step forward.

There is a continued need for recognition that economic growth and natural capital are linked. There is not a choice between economic growth and natural resource protection and enhancement. Rather the two are linked and that linkage should be clearly acknowledged in planning documents and other policies.

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 the this new economic environment?*

In much of Northern Europe, notably the Netherlands and Germany, transportation planning, open space provision and sustainable construction standards, particularly in respect of energy efficiency, have been well in advance of current English practice for many years and continue to do so.

Landscape architects working in Wales have observed that the revisions to the planning system have a greater (and possibly increasing) tendency towards simplification whereas the English system seems to be heading into increased complication and some duplication (see response to 2 above).

The English planning system could be informed by the approach taken in Wales, where a landscape character assessment of the whole country has been undertaken and underpins the spatial plan just launched.

The French system of a development tax that funds local environmental projects could be explored. The rate of tax is decided upon by the local commune and varies between 1% and 5%.

- 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?*

As noted in our response to item 2 above, there is increasing complexity and confusion in the revised planning system. There is concern that there is increasing uncertainty for business. For example, the plethora of documents produced at a local level leads to concerns that businesses seeking to make investment decisions will need to examine and review a range of documentation to discover what extent any proposal is consistent with present policy.

The high levels of community engagement sought within the system are to be applauded as an aspiration but in reality may lead to situations where only the most dogged and single-voiced interests remain engaged throughout policy formulation and planning document production.

Greater simplicity is required, with clear guidance to businesses and communities on which documents are to affect local environments and how to engage meaningfully when relevant policy is being formulated.

- 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?*

We recognise that different RDAs are at different stages. Members involved with our response are most familiar with the northwest. Here recent work has aligned the RES with the RSS. The next step is an integrated regional framework, which is about to be prepared. This framework will be underpinned by sustainable development principles. The LI considers this will be a step forward to “joining up” the policy and strategic investment planning required providing the interaction between the RDA and the RSS. Future reviews will be tested against an integrated framework. However there is a lot of work to do to bring these together, including external stakeholder engagement. The LI believes this is the best way forward and it is important that the frameworks are underpinned by sustainable development principles.

- 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?*

Speed should never become equated with efficiency in delivering worthwhile projects. The LI believes that the system should not put any greater emphasis on speed at the expense of the quality of decision making. Thorough consultation and analysis and dialogue are equally important in the operation of an efficient system. The shortage of skilled planners and professionals, including landscape architects, is known to be adversely affecting decision-

making abilities of planning authorities. Planning and its allied professions are central to delivery of the Government's sustainable development agenda and great attention needs to be paid to the status of the profession and its desirability to graduates.

It is accepted that delays in the planning system should be minimised, but quicker decisions should never mean that inferior decisions are made leading to ultimately poor and unsustainable results. Time is required for necessary information to be gathered and assessed. Good design stems from good information that is used intelligently to achieve lasting results. Time invested at the design stage can give massive rewards both to developers and to people. Where speed is likely to compromise this chain, consequential poor results can have serious long-term repercussions in terms of wasted investment, lack of public esteem and undesirable social consequences including crime and vandalism.

- 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?*

Landscape architects are often involved in planning applications and may act as agents for some applicants. The Institute is not aware of evidence that the direct costs of making a planning application are deterring investment. There is evidence that considerable time (consultant and officer) is used debating screening opinions (under Environmental Impact Assessment Regulations) to establish whether an Environmental Statement (ES) is required. Some members feel these are not always required by the local planning authorities on projects that do meet the requirements of Schedule 2 Section 12 (b) of the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999. These may be isolated examples, but there is evidence that developers will invest considerable time challenging a screening opinion, to avoid the costs of preparing an ES.

- 9 *To what extent are high occupation costs in England 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?*

It is important to acknowledge that the term planning constraints actually refers to *real* constraints on developments that are dealt with via the planning system, generally in a fair and balanced way. Such constraints will often include protection of the natural environment and the built environment and the built heritage. In addition to the underlying commitment to sustainable development, government advice sets further requirements. PPS1, s19 states:

"Planning authorities should seek to enhance the environment as part of development proposals"

Draft PPS3, notes in S37

"The key consideration should be whether a development positively improves the character and environmental quality of an area and the way it functions"

The Landscape Institute strongly supports these principles and would be opposed to any diminution of such aspirations. The planning system has evolved to ensure that economic considerations are balanced against environmental and social issues. This will invariably carry

a financial cost, but where this is known in advance (as a result of an efficient and transparent planning system providing for a level playing field and greater certainty of expectation and outcome), it should be factored into land values.

The LI also supports more even investment across the regions and a reduction in the emphasis on the southeast where high growth risks quality of life in that region and, by imbalance, quality of life in other regions where investment is required.

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

The present confusion with regard to the new planning system (see response to question 2 above) can act as a barrier to engagement, particularly to communities and individuals. Increased complexity in the system inevitably deters entry and competition and favours larger organisations and developers where returns justify investment in the process.

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 Landscape Institute has limited knowledge in this regard. It supports appropriate mixed-use developments and also specialist business 'clusters', particularly where these assist in meeting sustainable development objectives.

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 the process?

The skill base and resources of local authorities varies considerably in the area of sustainable economic development. A number of our members are also CABI and CABI Space advisors. They report on a huge variation in skill-base and resources to deal with the design and environmental aspects of sustainable development. There is substantial evidence of a shortage of competent staff in planning and allied professions, including landscape architecture, and of skills deficiencies in the system, particularly in respect of design issues and specialist areas, such as landscape management, ecology, construction skills, project management and development economics. These need to be addressed to inform and expedite increasingly complex and sensitive policy and development delivery. In the short term, current government advice is to make more use of the private sector to assist the public sector, but this too is having recruitment difficulties. There is a clear need to increase skilled staff recruitment and retention and expand training, all of which will benefit from increased funding. The importance of the Planning Delivery Grant cannot be overstated in its enabling of consultancy appointments and funding of staff to meet the additional demands of the new system. Its longer-term availability may be vital to ensure continuity, let alone improvement, of service in many areas, including landscape assessment, open space strategies, design issues and sustainability appraisals.

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?

There is a risk of consultation fatigue in stakeholders involved in the plan-making processes. There is also a risk that some local authorities can take a simple 'tick-box' approach to their consultation processes. Those stakeholders representing economic interests are not always convinced of the real value of engagement. In some of our members' experience industrialists and landowners are weary of different people trying to engage with them over the same projects or areas of land – and nothing happened in decades. There is an understandable cynicism. In some local authority areas there is a lack of clarity (despite Statements of Community Involvement [SCI]) in how all the different engagement processes link up and which is the most effective with which a business should engage.

It can be addressed through the SCIs at a local level – but this needs wider dissemination and clarity in the business communities. Often the engagement process is also taking place at a county (where 2-tier authorities exist), a sub-regional and a regional level as well as through projects funded eg by the Countryside Agency and other government agencies. Most private sector organisations will find the time to engage if there is a particular agenda important to them at that time. This needs to be handled carefully, particularly with landowners where an extant or forthcoming planning application might give rise to conflicts of interest.

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?

There is a wider variation in the use and success of using S106 agreements. To be successful the local authority must have a clear understanding of what local communities want and have the confidence to negotiate with developers. There is anecdotal evidence that some local authorities make quite minimalist requests in terms of contribution, whilst others seem able to demand and often negotiate substantial contributions and commuted sums.

There is presently uncertainty with regard to the Planning Gain Supplement and how this is to be applied and the funds used. This uncertainty affects those seeking to make investments, as it is unclear as to whether PSG will take the place or run alongside commitments required for S106 agreements (sometimes viewed as 'paying twice').

There is uncertainty in planning authorities and communities as to how the mechanism for securing local works will operate with regard to funds secured PSG.

Our members are aware of developers that are keen to engage with communities and seek to be actively involved with provision of local benefit via the S106 agreement. Conversely, many developers would welcome resolution of any such issues by simple payment into a fund and leaving decision-making on requirements, expenditure, implementation and accountability responsibilities to others.

As with many aspects of the new planning system not yet fully developed, this is an issue upon which central government needs to lead and provide clear guidance.

Another issue that members have noted is that local interests remain concerned that new development will increase the strain on existing infrastructure. It is therefore especially important that it results in a perceived net improvement or enhancement in the public realm. On many smaller-scale developments (which have a cumulative impact) this is most likely to be

achieved through planning obligations, using tariff-based contributions towards well-conceived, locally supported and tangibly delivered strategies. These require a level of co-ordinated approach, prioritisation and commitment amongst both local and regional public sector organisations that is not clearly evident as yet. Additional resources and skills are needed to address this shortfall, as well as a more proactive and co-ordinated mindset amongst the relevant organisations. Larger-scale developments, where the infrastructural improvement is provided directly by the developer, also require additional public sector skills and resources to provide effective project management and quality control to ensure best value is achieved in a timely manner.

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 region, sub-regions (including city regions) and at the local level?

Planning can be most effective in economic development where it works proactively in conjunction with the market to enable delivery of new land uses, whilst ensuring that market forces are appropriately regulated to avoid unwanted impacts or side-effects. It can assist with land assembly and ensure that there is a level playing field of standards for developers. The planning system's twin roles in enabling and regulating may be becoming more important in the rural economy as this undergoes substantial changes resulting from increased leisure access, farm diversification and climate change.

However, while the LI believes that most aspects of the ways in which planning can strengthen economic performance are addressed in this and other responses above, it believes that the greatest of these is removing uncertainty and providing clear guidance in the new planning system and the ongoing proposals such as the introduction of the Planning Gain Supplement. Guidance issued to date on the new planning system is generally observed as being high in number of words contained and lamentably poor in providing specific examples and clear demonstration of what is intended and required as products from the reforms introduced in 2004. This leads to uncertainty within the profession and in those responsible for implementing the system. That is communicated to those responsible for making investment decisions. Uncertainty inevitably deters investment and adversely affects economic development.

Thank you for the opportunity to comment on this document. We trust these comments are useful. The Institute looks forward to seeing the results of this consultation and to the new guidance in due course. The Institute is happy for its comments to be reproduced as required. Should you require any further information then please do not hesitate to contact us.

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